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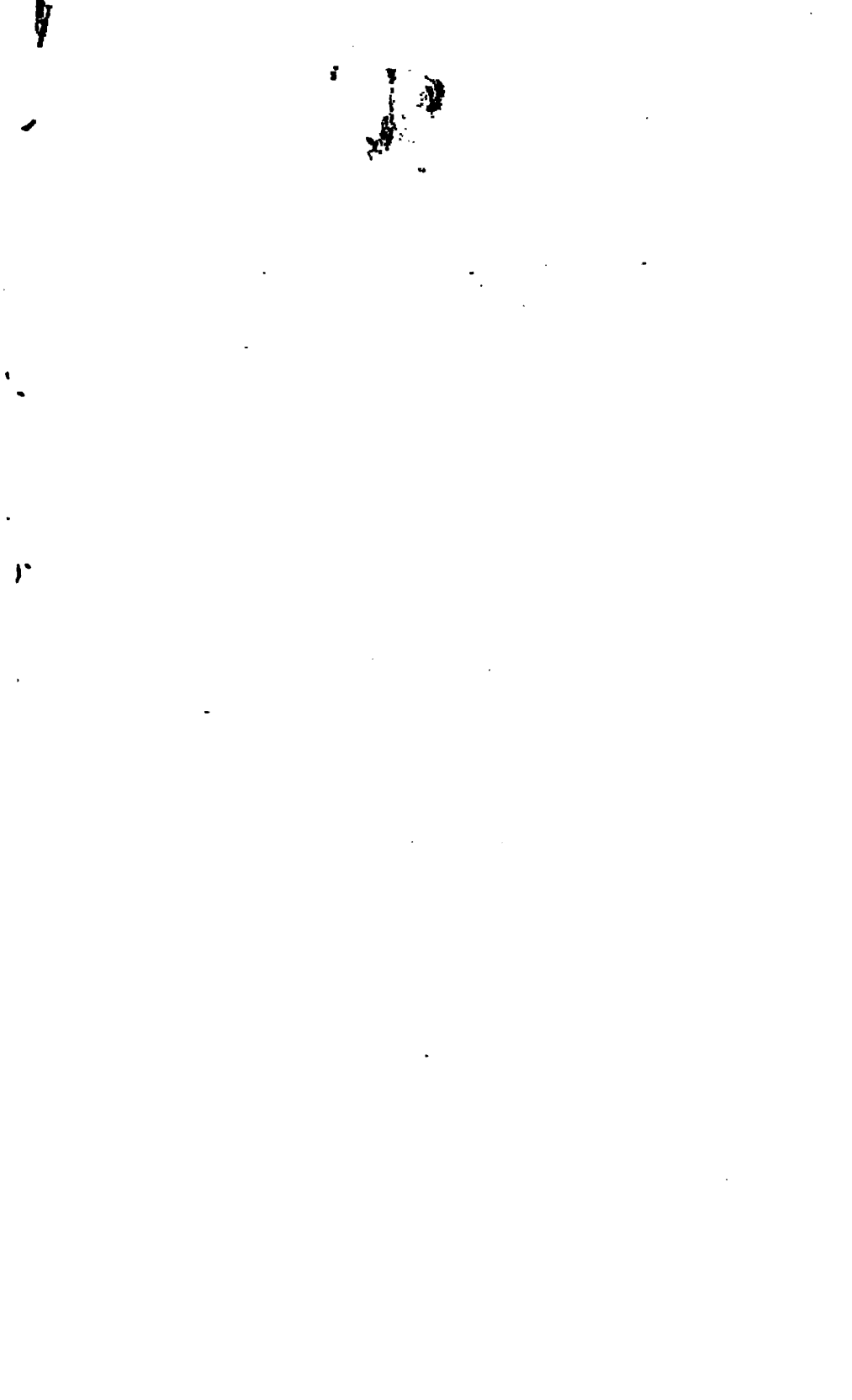
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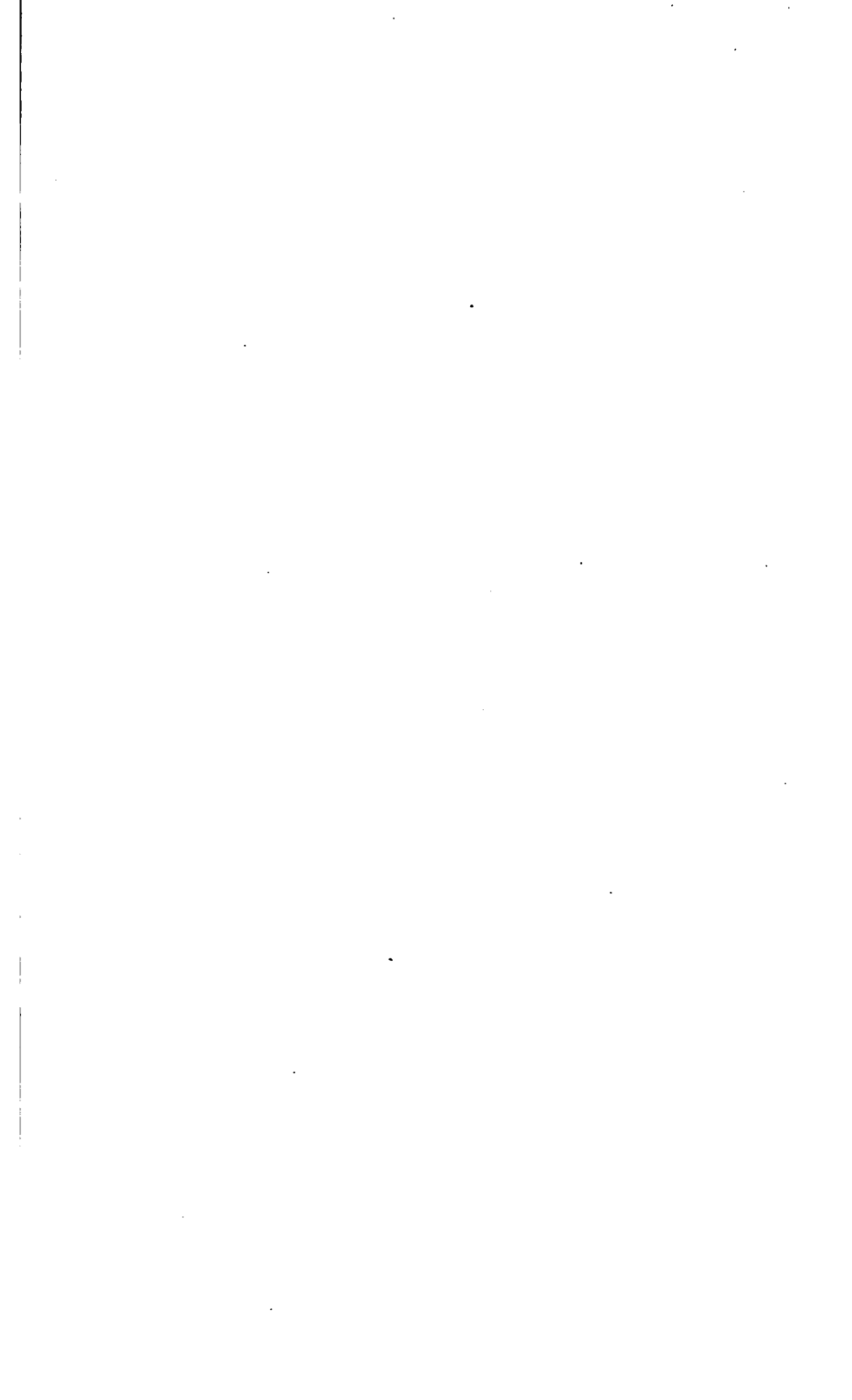
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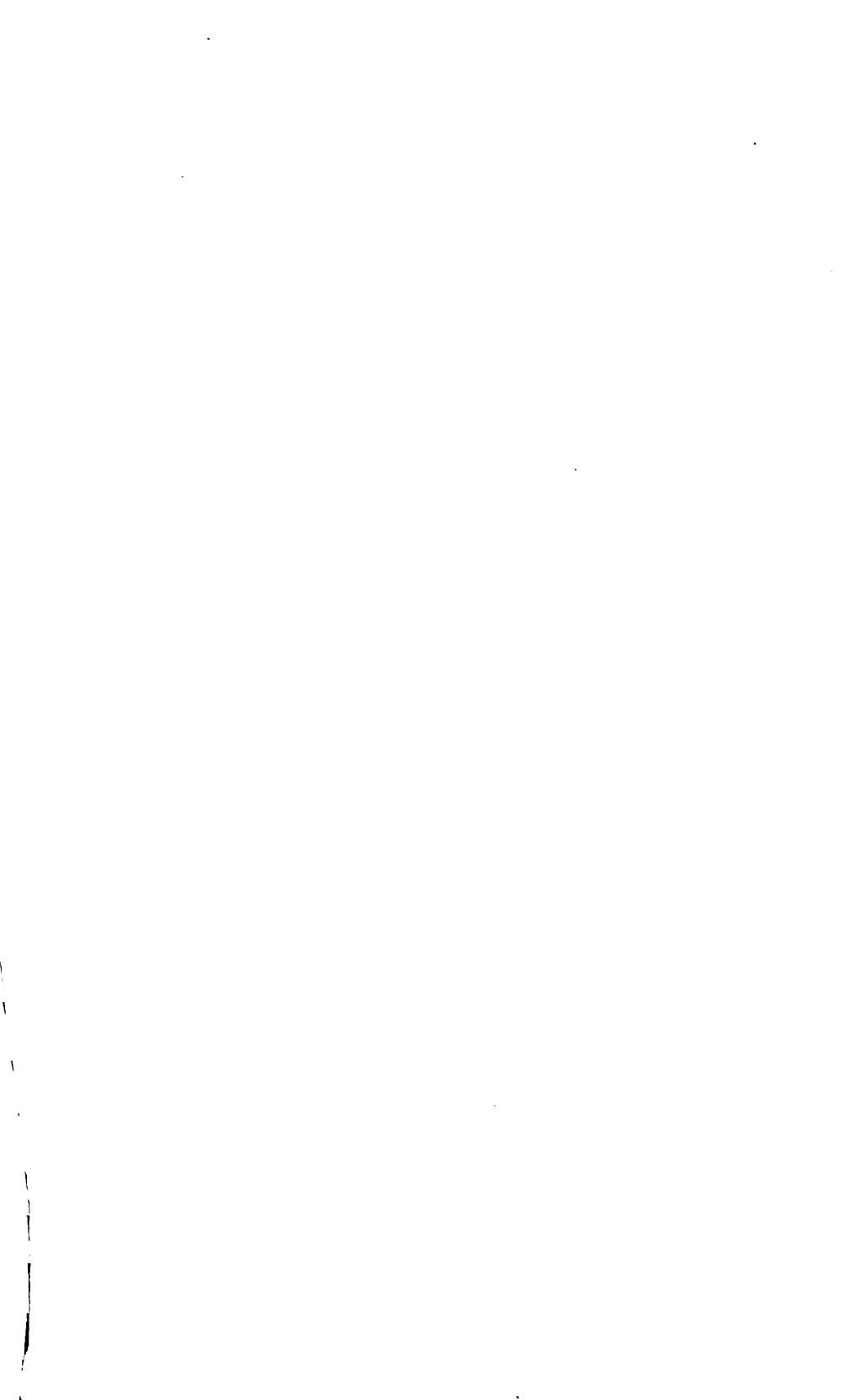
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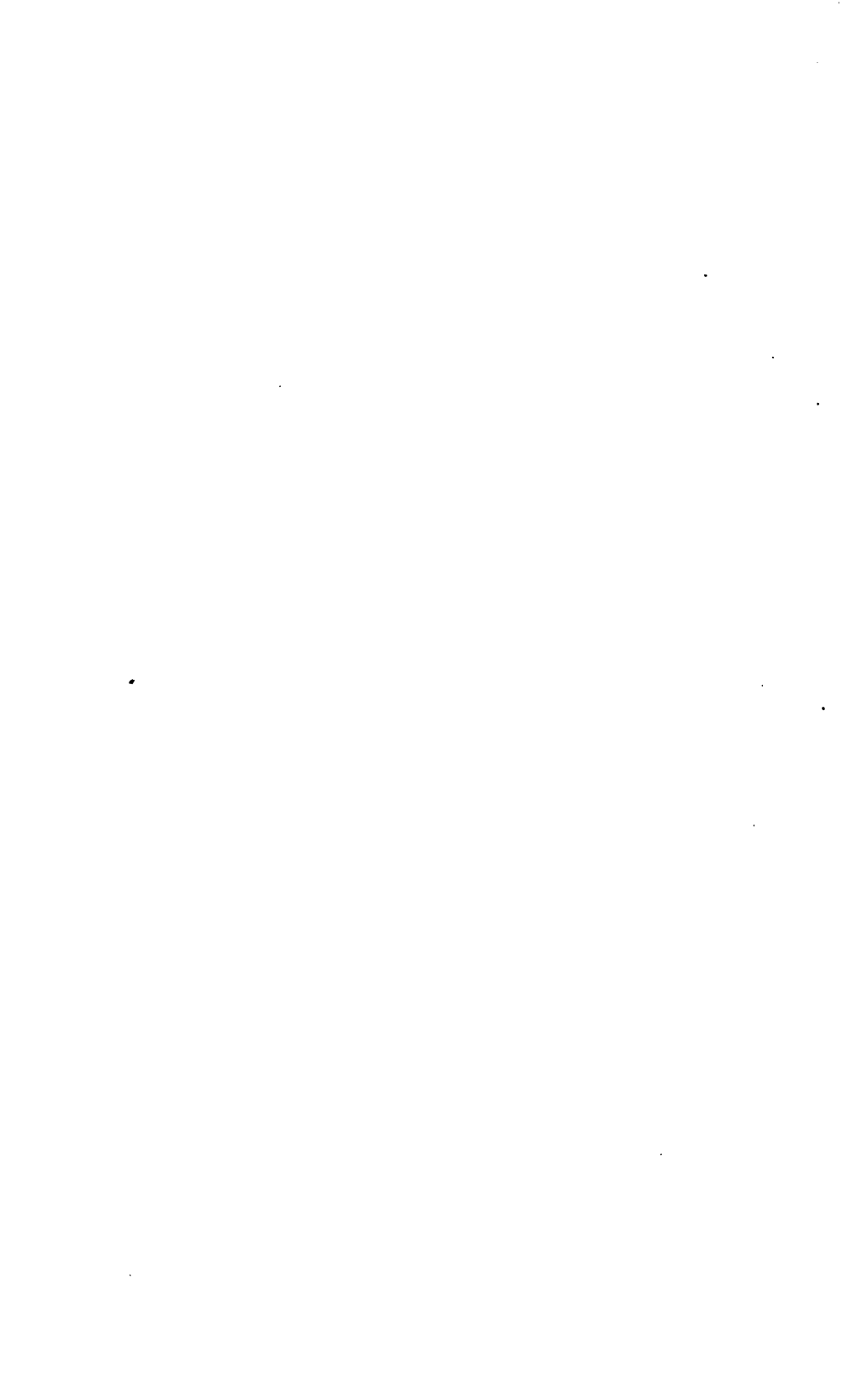
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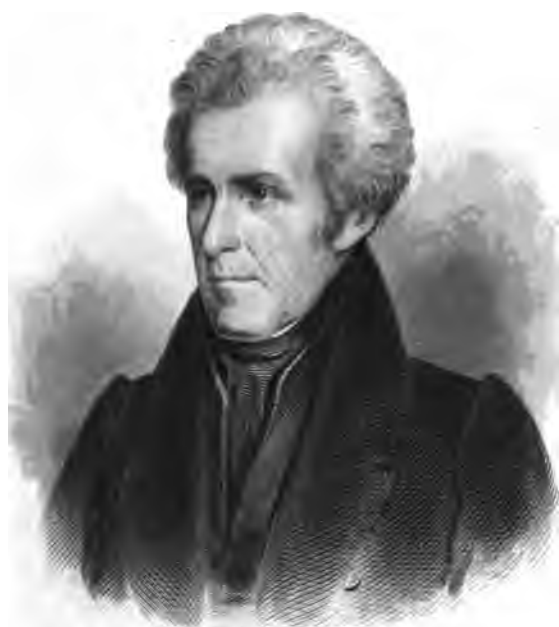












ANDREW JACKSON

Andrew Jackson

THE  
**STATESMAN'S MANUAL:**

CONTAINING THE

**PRESIDENTS' MESSAGES,**

**INAUGURAL, ANNUAL, AND SPECIAL,**

FROM

**1789 to 1851.**

**WITH THEIR MEMOIRS, AND HISTORIES OF THEIR ADMINISTRATIONS.**

TOGETHER WITH A VERY VALUABLE COLLECTION OF

NATIONAL AND STATISTICAL DOCUMENTS, &c. &c.

COMPILED FROM OFFICIAL SOURCES,

BY EDWIN WILLIAMS.



CAPITOL AT WASHINGTON

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**VOL. III.**  
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**EDWARD WALKER, 114 FULTON-STREET,  
NEW YORK.**



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# THE STATESMAN'S MANUAL.

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THE  
ADDRESSES AND MESSAGES  
OF THE  
PRESIDENTS OF THE UNITED STATES,  
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WITH  
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AND  
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ALSO,  
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EMBELLISHED WITH PORTRAITS OF THE PRESIDENTS,  
ENGRAVED ON STEEL BY VISTUS BALCH.

IN FOUR VOLUMES,  
VOL. III.

NEW AND ENLARGED EDITION

<sup>or</sup> NEW YORK:

EDWARD WALKER, 114 FULTON STREET.

1854.

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Entered according to Act of Congress, in the year 1849,

By EDWARD WALKER,

In the Clerk's Office of the District Court of the United States, in and for the Southern  
District of New York.

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STEREOTYPED BY C. C. SAVAGE,  
13 Chambers Street, N. Y.  
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# CONTENTS

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<b>ADMINISTRATION OF JACKSON.....</b>	<b>PAGE 961</b>
<b>BIOGRAPHICAL SKETCH OF MARTIN VAN BUREN.....</b>	<b>1029</b>
Inaugural Address, March 4, 1837.....	1045
Special Session Message, September 4, 1837.....	1051
First Annual Message, December 4, 1837.....	1071
Special Message, December 21, 1837.....	1090
Special Message, January 5, 1838.....	1091
Special Message, January 8, 1838.....	1091
Special Message, May 10, 1838.....	1092
Special Message, June 20, 1838.....	1092
Second Annual Message, December 4, 1838.....	1093
Special Message, December 6, 1838.....	1112
Special Message, February 26, 1839.....	1113
Third Annual Message, December 24, 1839.....	1116
Special Message, February 4, 1840.....	1138
Special Message, February 17, 1840.....	1139
Special Message, May 21, 1840.....	1140
Fourth Annual Message, December 5, 1840.....	1140
<b>ADMINISTRATION OF VAN BUREN.....</b>	<b>1157</b>
 <b>BIOGRAPHICAL SKETCH OF WILLIAM HENRY HARRISON.....</b>	 <b>1171</b>
Inaugural Address, March 4, 1841.....	1197
Proclamation, March 17, 1841.....	1210
 <b>BIOGRAPHICAL SKETCH OF JOHN TYLER.....</b>	 <b>1211</b>
Inaugural Address, April 9, 1841.....	1229
Fast Recommendation, April 13, 1841.....	1232
Special Session Message, June 1, 1841.....	1232
Special Message, June 22, 1841.....	1242
Special Message, July 1, 1841.....	1243
Special Message, August 2, 1841.....	1243
First Bank Veto, August 16, 1841.....	1244
Second Bank Veto, September 9, 1841.....	1248
Proclamation, September 25, 1841.....	1252
First Annual Message, December 7, 1841.....	1252
Special Message, February 9, 1842.....	1266
Special Message, February 16, 1842.....	1267
Special Message, February 26, 1842.....	1267
Special Message, March 8, 1842.....	1267
Special Message, March 8, 1842.....	1268
Special Message, March 23, 1842.....	1269
Special Message, March 25, 1842.....	1270
Special Message, March 30, 1842.....	1274
Special Message, April 7, 1842.....	1275
Special Message, April 9, 1842.....	1275
Special Message, April 30, 1842.....	1275
Special Message, May 2, 1842.....	1277
Special Message, May 10, 1842.....	1277
Special Message, June 20, 1842.....	1278

Special Message, June 25, 1842 .....	PAGE 12
First Tariff Veto, June 29, 1842.....	1280
Special Message, July 2, 1842.....	1283
Special Message, July 20, 1842.....	1283
Special Message, July 22, 1842.....	1284
Special Message, August 8, 1842.....	1284
Second Tariff Veto, August 9, 1842.....	1284
Treaty of Washington Message, August 11, 1842.....	1290
Special Message, August 23, 1842.....	1296
Protest, August 30, 1842.....	1297
Second Annual Message, December 7, 1842.....	1300
Special Message, December 14, 1842.....	1314
Special Message, December 23, 1842.....	1315
Special Message, December 30, 1842.....	1316
Special Message, January 9, 1843.....	1318
Special Message, January 31, 1843.....	1323
Special Message, February 13, 1843.....	1327
Special Message, February 18, 1843.....	1328
Special Message, February 27, 1843.....	1329
Special Message, February 27, 1843.....	1332
Third Annual Message, December 5, 1843.....	1333
Special Message, December 16, 1843.....	1346
Special Message, December 18, 1843.....	1346
Special Message, January 16, 1844.....	1347
Special Message, February 23, 1844.....	1348
Special Message, February 29, 1844.....	1349
Special Message, March 20, 1844.....	1350
Special Message, March 26, 1844.....	1350
Special Message, April 9, 1844.....	1350
Texas Treaty Message, April 22, 1844.....	1354
Special Message, May 10, 1844.....	1359
Special Message, May 15, 1844.....	1359
Special Message, May 15, 1844.....	1360
Special Message, May 18, 1844.....	1361
Special Message, May 18, 1844.....	1361
Special Message, May 20, 1844.....	1361
Special Message, May 23, 1844.....	1361
Special Message, May 31, 1844.....	1362
Special Message, June 7, 1844.....	1363
Texas Message, June 10, 1844.....	1363
Eastern Harbor Bill Veto, June 11, 1844.....	1366
Fourth Annual Message, December 3, 1844.....	1369
Special Message, December 10, 1844.....	1384
Special Message, December 18, 1844.....	1384
Special Message, January 22, 1845.....	1387
Special Message, February 4, 1845.....	1388
Special Message, February 17, 1845.....	1389
Special Message, February 19, 1845.....	1389
Revenue-Cutler Veto, February 20, 1845.....	1390
Special Message, February 20, 1845.....	1390
Special Message, February 21, 1845.....	1392
ADMINISTRATION OF TYLER.....	1393

dences of respect for his country, which leave us no room to doubt the preservation in future of those amicable and liberal relations which have so long and so uninterruptedly existed between the two countries. On the few subjects under discussion between us, an early and just decision is confidently anticipated.

A correspondence has been opened with the government of Austria, for the establishment of diplomatic relations, in conformity with the wishes of Congress, as indicated by an appropriation act of the session of 1837, and arrangements made for the purpose, which will be duly carried into effect.

With Austria and Prussia, and with the states of the German empire, now composing, with the latter, the Commercial League, our political relations are of the most friendly character, while our commercial intercourse is gradually extending, with benefit to all who are engaged in it.

Civil war yet rages in Spain, producing intense suffering to its own people, and to other nations inconvenience and regret. Our citizens who have claims upon that country will be prejudiced for a time by the condition of its treasury, the inevitable consequence of long-continued and exhausting internal wars. The last instalment of the interest of the debt due under the convention with the queen of Spain has not been paid; and similar failures may be expected to happen until a portion of the resources of her kingdom can be devoted to the extinguishment of its foreign debt.

Having received satisfactory evidence that discriminating tonnage duties were charged upon the vessels of the United States in the ports of Portugal, a proclamation was issued on the 11th day of October last, in compliance with the act of May 25th, 1832, declaring that fact, and the duties on foreign tonnage which were levied upon Portuguese vessels in the United States previously to the passage of that act are accordingly revived.

The act of July 4th, 1836, suspending the discriminating duties upon the produce of Portugal imported into this country in Portuguese vessels, was passed, upon the application of that government through its representative here, under the belief that no similar discrimination existed in Portugal to the prejudice of the United States. I regret to state that such duties are now exacted in that country, upon the cargoes of American vessels; and as the act referred to, vests no discretion in the executive, it is for Congress to determine upon the expediency of further legislation upon the subject. Against these discriminations, affecting the vessels of this country and their cargoes, seasonable remonstrance was made, and notice was given to the Portuguese government, that unless they should be discontinued, the adoption of countervailing measures on the part of the United States would become necessary; but the reply of that government received at the department of state through our chargé d'affaires at Lisbon, in the month of September last, afforded no ground to hope for the abandonment of a system, so little in harmony with the treatment shown to the vessels of Portugal and their cargoes, in the ports of this country, and so contrary to the expectations we had a right to entertain.

With Holland, Sweden, Denmark, Naples, and Belgium, a friendly intercourse has been uninterruptedly maintained.

With the government of the Ottoman Porte, and its dependencies on the coast of the Mediterranean, peace and good-will are carefully cultivated, and have been fostered by such good offices as the relative distance and the condition of those countries would permit.



Our commerce with Greece is carried on under the laws of the two governments, reciprocally beneficial to the navigating interests of both; and I have reason to look forward to the adoption of other measures which will be more extensively and permanently advantageous.

Copies of the treaties concluded with the governments of Siam and Muscat are transmitted for the information of Congress, the ratifications having been received, and the treaties made public since the close of the last annual session. Already have we reason to congratulate ourselves on the prospect of considerable commercial benefit; and we have, besides, received from the sultan of Muscat, prompt evidence of his desire to cultivate the most friendly feelings, by liberal acts toward one of our vessels, bestowed in a manner so striking as to require on our part a grateful acknowledgment.

Our commerce with the islands of Cuba and Porto Rico still labors under heavy restrictions, the continuance of which is a subject of regret. The only effect of an adherence to them will be to benefit the navigation of other countries at the expense both of the United States and Spain.

The independent nations of this continent have, ever since they emerged from the colonial state, experienced severe trials in their progress to the permanent establishment of liberal political institutions. Their unsettled condition not only interrupts their own advances to prosperity, but has often seriously injured the other powers of the world. The claims of our citizens upon Peru, Chili, Brazil, the Argentine Republic, the governments formed out of the republics of Colombia, and Mexico, are still pending, although many of them have been presented for examination more than twenty years. New Grenada, Venezuela, and Ecuador, have recently formed a convention for the purpose of ascertaining and adjusting the claims upon the republic of Colombia, from which it is earnestly hoped our citizens will, ere long, receive full compensation for the injuries originally inflicted upon them, and for the delay in affording it.

An advantageous treaty of commerce has been concluded by the United States with the Peru-Bolivian Confederation, which wants only the ratification of that government. The progress of a subsequent negotiation for the settlement of claims upon Peru, has been unfavorably affected by the war between that power and Chili, and the Argentine Republic; and the same event is also liable to produce delays in the settlement of our demands on those powers.

The aggravating circumstances connected with our claims upon Mexico, and a variety of events touching the honor and integrity of our government, led my predecessor to make, at the second session of the last Congress, a special recommendation of the course to be pursued to obtain a speedy and final satisfaction of the injuries complained of by this government and by our citizens. He recommended a final demand of redress, with a contingent authority to the executive to make reprisals, if that demand should be made in vain. From the proceedings of Congress on that recommendation, it appeared that the opinion of both branches of the legislature coincided with that of the executive, that any mode of redress known to the law of nations might justifiably be used. It was obvious, too, that Congress believed, with the president, that another demand should be made, in order to give undeniable and satisfactory proof of our desire to avoid extremities with a neighboring power; but that there was an indisposition to vest a discretionary authority in the executive to take re-

dress, should it unfortunately be either denied or unreasonably delayed by the Mexican government.

So soon as the necessary documents were prepared, after entering upon the duties of my office, a special messenger was sent to Mexico, to make a final demand of redress, with the documents required by the provisions of our treaty. The demand was made on the 20th of July last. The reply, which bears date the 29th of the same month, contains assurances of a desire, on the part of that government, to give a prompt and explicit answer respecting each of the complaints, but that the examination of them would necessarily be deliberate; that, in this examination, it would be guided by the principles of public law and the obligation of treaties, that nothing should be left undone that might lead to the most speedy and equitable adjustment of our demands; and that its determination, in respect to each case, should be communicated through the Mexican minister here.

Since that time, an envoy extraordinary and minister plenipotentiary has been accredited to this government by that of the Mexican republic. He brought with him assurances of a sincere desire that the pending differences between the two governments should be terminated in a manner satisfactory to both. He was received with reciprocal assurances, and a hope was entertained that his mission would lead to a speedy, satisfactory, and final adjustment of all existing subjects of complaint. A sincere believer in the wisdom of the pacific policy by which the United States have always been governed in their intercourse with foreign nations, it was my particular desire, from the proximity of the Mexican republic, and well-known occurrences on our frontier, to be instrumental in obviating all existing difficulties with that government, and in restoring the intercourse between the two republics to that liberal and friendly character by which they should always be distinguished. I regret, therefore, the more deeply, to have found in the recent communications of that government, so little reason to hope that any future efforts of mine for the accomplishment of those desirable objects would be successful.

Although the larger number, and many of them aggravated cases of personal wrongs, have been now for years before the Mexican government, and some of the causes of national complaint, and those of the most offensive character, admitted of immediate, simple, and satisfactory replies, it is only within a few days past that any specific communication in answer to our last demand, made five months ago, has been received from the Mexican minister. By the report of the secretary of state, herewith presented, and the accompanying documents, it will be seen that for not one of our public complaints has satisfaction been given or offered; and that but four cases of both descriptions, out of all those formally presented, and earnestly pressed, have as yet been decided upon by the Mexican government.

Not perceiving in what manner any of the powers given to the executive alone could be further usefully employed in bringing this unfortunate controversy to a satisfactory termination, the subject was by my predecessor referred to Congress, as one calling for its interposition. In accordance with the clearly understood wishes of the legislature, another and formal demand for satisfaction has been made upon the Mexican government, with what success the documents now communicated will show. On a careful and deliberate examination of their contents, and considering the spirit manifested by the Mexican government, it has become my pain-

ful duty to return the subject, as it now stands, to Congress, to whom it belongs to decide upon the time, the mode, and the measures, of redress. Whatever may be your decision, it shall be faithfully executed, confident that it will be characterized by that moderation and justice which will, I trust, under all circumstances, govern the counsels of our country.

The balance in the treasury on the first day of January, 1837, was forty-five millions nine hundred and sixty-eight thousand five hundred and twenty-three dollars. The receipts during the present year from all sources, including the amount of treasury-notes issued, are estimated at twenty-three millions four hundred and ninety-nine thousand nine hundred and eighty-one dollars, constituting an aggregate of sixty-nine millions four hundred and sixty-eight thousand five hundred and four dollars. Of this amount, about thirty-five millions two hundred and eighty-one thousand three hundred and sixty-one dollars will have been expended, at the end of the year, on appropriations made by Congress; and the residue, amounting to thirty-four millions one hundred and eighty-seven thousand one hundred and forty-three dollars, will be the nominal balance in the treasury on the first of January next. But of that sum, only one million and eighty-five thousand four hundred and ninety-eight dollars is considered as immediately available for, and applicable to, public purposes.

Those portions of it which will be for some time unavailable consist chiefly of sums deposited with the states, and due from the former deposit banks. The details upon this subject will be found in the annual report of the secretary of the treasury. The amount of treasury-notes which it will be necessary to issue during the year on account of those funds being unavailable, will, it is supposed, not exceed four and a half millions. It seemed proper, in the condition of the country, to have the estimates on all subjects made as low as practicable, without prejudice to any great public measures. The departments were therefore desired to prepare their estimates accordingly; and I am happy to find that they have been able to graduate them on so economical a scale.

In the great and often unexpected fluctuations to which the revenue is subjected, it is not possible to compute the receipts beforehand with great certainty; but should they not differ essentially from present anticipations, and should the appropriations not much exceed the estimates, no difficulty seems likely to happen in defraying the current expenses with promptitude and fidelity.

Notwithstanding the great embarrassments which have recently occurred in commercial affairs, and the liberal indulgence which, in consequence of these embarrassments, has been extended to both the merchants and the banks, it is gratifying to be able to anticipate that the treasury-notes, which have been issued during the present year, will be redeemed, and that the resources of the treasury, without any resort to loans or increased taxes, will prove ample for defraying all charges imposed on it during 1838.

The report of the secretary of the treasury will afford you a more minute exposition of all matters connected with the administration of the finances during the current year; a period which, for the amount of public moneys disbursed and deposited with the states, as well as the financial difficulties encountered and overcome, has few parallels in our history.

Your attention was, at the last session, invited to the necessity of additional legislative provisions in respect to the collection, safekeeping, and

transfer of the public money. No law having been then matured, and not understanding the proceedings of Congress as intended to be final, it becomes my duty again to bring the subject to your notice.

On that occasion, three modes of performing this branch of the public service were presented for consideration. These were, the creation of a national bank; the revival, with modifications, of the deposit system established by the act of the 23d of June, 1836, permitting the use of the public moneys by the banks; and the discontinuance of the use of such institutions for the purposes referred to, with suitable provisions for their accomplishment through the agency of public officers. Considering the opinions of both houses of Congress on the first two propositions as expressed in the negative, in which I entirely concur, it is unnecessary for me again to recur to them. In respect to the last, you have had an opportunity, since your adjournment, not only to attest still further the expediency of the measure by the continued practical operation of such parts of it as are now in force, but also to discover what should ever be sought for and regarded with the utmost deference—the opinions and wishes of the people.

The national will is the supreme law of the republic, and on all subjects within the limits of its constitutional powers, should be faithfully obeyed by the public servant. Since the measure in question was submitted to your consideration, most of you have enjoyed the advantage of personal communication with your constituents. For one state only has an election been held for the federal government; but the early day at which it took place, deprives the measure under consideration of much of the support it might otherwise have derived from the result. Local elections for state officers have, however, been held in several of the states, at which the expediency of the plan proposed by the executive has been more or less discussed. You will, I am confident, yield to their results the respect due to every expression of the public voice. Desiring, however, to arrive at truth and a just view of the subject in all its bearings, you will at the same time remember that questions of far deeper and more immediate local interest than the fiscal plans of the national treasury were involved in those elections.

Above all, we can not overlook the striking fact, that there were, at the time, in those states, more than one hundred and sixty millions of bank capital, of which large portions were subject to actual forfeiture—other large portions upheld only by special and limited legislative indulgences—and most of it, if not all, to a greater or less extent, dependent for a continuance of its corporate existence upon the will of the state legislatures to be then chosen. Apprized of this circumstance, you will judge whether it is not most probable that the peculiar condition of that vast interest in these respects, the extent to which it has been spread through all the ramifications of society, its direct connexion with the then pending elections, and the feelings it was calculated to infuse into the canvass, have not exercised a far greater influence over the result than any which could possibly have been produced by a conflict of opinion in respect to a question in the administration of the general government, more remote and far less important in its bearings upon that interest.

I have found no reason to change my own opinion as to the expediency of adopting the system proposed, being perfectly satisfied that there will be neither stability nor safety, either in the fiscal affairs of the government, or in the pecuniary transactions of individuals and corporations, so long as

a connexion exists between them, which, like the past, offers such strong inducements to make them the subjects of political agitation. Indeed, I am more than ever convinced of the dangers to which the free and unbiased exercise of political opinion—the only sure foundation and safeguard of republican government—would be exposed by any further increase of the already overgrown influence of corporate authorities. I can not, therefore, consistently with my views of duty, advise a renewal of a connexion which circumstances have dissolved.

The discontinuance of the use of state banks for fiscal purposes ought not to be regarded as a measure of hostility toward those institutions. Banks, properly established and conducted, are highly useful to the business of the country, and doubtless will continue to exist in the states so long as they conform to their laws, and are found to be safe and beneficial. How they should be created, what privileges they should enjoy, under what responsibilities they should act, and to what restrictions they should be subject, are questions which, as I observed on a previous occasion, belong to the states to decide. Upon their rights, or the exercise of them, the general government can have no motive to encroach. Its duty toward them is well performed, when it refrains from legislating for their special benefit, because such legislation would violate the spirit of the constitution, and be unjust to other interests; when it takes no steps to impair their usefulness, but so manages its own affairs as to make it the interest of those institutions to strengthen and improve their condition for the security and welfare of the community at large. They have no right to insist on a connexion with the federal government, nor on the use of the public money for their own benefit.

The object of the measure under consideration is, to avoid for the future a compulsory connexion of this kind. It proposes to place the general government, in regard to the essential points of the collection, safekeeping, and transfer of the public money, in a situation which shall relieve it from all dependence on the will of irresponsible individuals or corporations; to withdraw those moneys from the uses of private trade, and confine them to agents constitutionally selected and controlled by law; to abstain from improper interference with the industry of the people, and withhold inducements to improvident dealings on the part of individuals; to give stability to the concerns of the treasury; to preserve the measures of the government from the unavoidable reproaches that flow from such a connexion, and the banks themselves from the injurious effects of a supposed participation in the political conflicts of the day, from which they will otherwise find it difficult to escape.

These are my views upon this important subject, formed after careful reflection, and with no desire but to arrive at what is most likely to promote the public interest. They are now, as they were before, submitted with an unfeigned deference for the opinions of others. It was hardly to be hoped that changes so important, on a subject so interesting, could be made without producing a serious diversity of opinion; but so long as those conflicting views are kept above the influence of individual or local interests; so long as they pursue only the general good, and are discussed with moderation and candor, such diversity is a benefit, not an injury. If a majority of Congress see the public welfare in a different light; and more especially if they should be satisfied that the measure proposed would not be acceptable to the people; I shall look to their wisdom to substitute such as may be more conducive to the one, and more satisfactory to the

other. In any event, they may confidently rely on my hearty co-operation to the fullest extent which my views of the constitution and my sense of duty will permit.

It is obviously important to this branch of the public service, and to the business and quiet of the country, that the whole subject should in some way be settled and regulated by law; and, if possible, at your present session. Besides the plan above referred to, I am not aware that any one has been suggested, except that of keeping the public money in the state banks, in special deposite. This plan is, to some extent, in accordance with the practice of the government, and with the present arrangements of the treasury department, which, except perhaps during the operation of the late deposite act, has always been allowed, even during the existence of a national bank, to make a temporary use of the state banks, in particular places, for the safekeeping of portions of the revenue.

This discretionary power might be continued, if Congress deem it desirable, whatever general system may be adopted. So long as the connexion is voluntary, we need perhaps anticipate few of those difficulties, and little of that dependence on the banks, which must attend every such connexion when compulsory in its nature, and when so arranged as to make the banks a fixed part of the machinery of government. It is undoubtedly in the power of Congress so to regulate and guard it as to prevent the public money from being applied to the use, or intermingled with the affairs, of individuals. Thus arranged, although it would not give to the government that entire control over its own funds which I desire to secure to it by the plan I have proposed, it would, it must be admitted, in a great degree accomplish one of the objects which has recommended that plan to my judgment—the separation of the fiscal concerns of the government from those of individuals or corporations.

With these observations I recommend the whole matter to your dispassionate reflection, confidently hoping that some conclusion may be reached by your deliberations, which, on the one hand, shall give stability to the fiscal operations of the government, and be consistent, on the other, with the genius of our institutions, and with the interests and wishes of the great mass of our constituents.

It was my hope that nothing would occur to make necessary, on this occasion, any allusion to the late national bank. There are circumstances, however, connected with the present state of its affairs, that bear so directly on the character of the government and the welfare of the citizen, that I should not feel myself excused in neglecting to notice them. The charter which terminated its banking privileges on the fourth of March, 1836, continued its corporate powers two years more, for the sole purpose of closing its affairs, with authority "to use the corporate name, style, and capacity, for the purpose of suits for a final settlement and liquidation of the affairs and acts of the corporation, and for the sale and disposition of their estate, real, personal, and mixed, but for no other purpose or in any other manner whatsoever." Just before the banking privileges ceased, its effects were transferred by the bank to a new state institution, then recently incorporated, in trust, for the discharge of its debts and the settlement of its affairs.

With this trustee, by authority of Congress, an adjustment was subsequently made of the large interest which the government had in the stock of the institution. The manner in which a trust unexpectedly created upon the act granting the charter, and involving such great public interests,



has been executed, would, under any circumstances, be a fit subject of inquiry; but much more does it deserve your attention when it embraces the redemption of obligations to which the authority and credit of the United States have given value. The two years allowed are now nearly at an end. It is well understood that the trustee has not redeemed and cancelled the outstanding notes of the bank, but has reissued, and is actually reissuing, since the 3d of March, 1836, the notes which have been received by it, to a vast amount.

According to its own official statement, so late as the first of October last, nineteen months after the banking privileges given by the charter had expired, it had under its control uncanceled notes of the late bank of the United States to the amount of twenty-seven millions five hundred and sixty-one thousand eight hundred and sixty-six dollars, of which six millions one hundred and seventy-five thousand eight hundred and sixty-one dollars were in actual circulation, one million four hundred and sixty-eight thousand six hundred and twenty-seven dollars at state bank agencies, and three millions two thousand three hundred and ninety dollars *in transitu*; thus showing that upward of ten millions and a half of the notes of the old bank were then still kept outstanding.

The impropriety of this procedure is obvious; it being the duty of the trustee to cancel, and not to put forth, the notes of an institution, whose concerns it had undertaken to wind up. If the trustee has a right to reissue these notes now, I can see no reason why he may not continue to do so after the expiration of the two years. As no one could have anticipated a course so extraordinary, the prohibitory clause of the charter above quoted was not accompanied by any penalty or other special provision for enforcing it; nor have we any general law for the prevention of similar acts in future.

But it is not in this view of the subject alone that your interposition is required. The United States, in settling with the trustee for their stock, have withdrawn their funds from their former direct liability to the creditors of the old bank, yet notes of the institution continue to be sent forth in its name, and apparently upon the authority of the United States. The transactions connected with the employment of the bills of the old bank are of vast extent; and should they result unfortunately, the interest of individuals may be deeply compromised. Without undertaking to decide how far, or in what form, if any, the trustee could be made liable for notes which contain no obligation on his part; or the old bank, for such as are put in circulation after the expiration of its charter, and without its authority; or the government for indemnity in case of loss, the question still presses itself upon your consideration, whether it is consistent with duty and good faith on the part of the government to witness this proceeding without a single effort to arrest it.

The report of the commissioner of the general land office, which will be laid before you by the secretary of the treasury, will show how the affairs of that office have been conducted for the past year. The disposition of the public lands is one of the most important trusts confided to Congress. The practicability of retaining the title and control of such extensive domains in the general government, and at the same time admitting the territories embracing them into the federal Union, as coequal with the original states, was seriously doubted by many of our wisest statesmen. All feared that they would become a source of discord, and many carried their apprehensions so far as to see in them the seeds of a

future dissolution of the confederacy. But happily our experience has already been sufficient to quiet, in a great degree, all such apprehensions. The position, at one time assumed—that the admission of new states into the Union on the same footing with the original states, was incompatible with the right of soil in the United States, and operated as a surrender thereof, notwithstanding the terms of the compacts by which their admission was designed to be regulated—has been wisely abandoned. Whether, in the new or the old states, all now agree that the right of soil to the public lands remains in the federal government, and that these lands constitute a common property, to be disposed of for the common benefit of all the states, old and new. Acquiescence in this just principle by the people of the new states has naturally promoted a disposition to adopt the most liberal policy in the sale of the public lands. A policy which should be limited to the mere object of selling the lands for the greatest possible sum of money, without regard to higher considerations, finds but few advocates. On the contrary, it is generally conceded, that while the mode of distribution adopted by the government should always be a prudent one, yet its leading object ought to be the early settlement and cultivation of the lands sold; and that it should discountenance, if it can not prevent, the accumulation of large tracts in the same hands, which must retard the growth of the new states, or entail upon them a dependent tenantry and its attendant evils.

A question embracing such important interests, and so well calculated to enlist the feeling of the people in every quarter of the Union, has very naturally given rise to numerous plans for the improvement of the existing system. The distinctive features of the policy that has hitherto prevailed, are, to dispose of the public lands at moderate prices, thus enabling a greater number to enter into competition for their purchase, and accomplishing the double object of promoting their rapid settlement by the purchasers, and at the same time increasing the receipts of the treasury; to sell for cash, thereby preventing the disturbing influence of a large mass of private citizens indebted to the government which they have a voice in controlling; to bring them into market no faster than good lands are supposed to be wanted for improvements, thereby preventing the accumulation of large tracts in few hands; and to apply the proceeds of the sales to the general purposes of the government; thus diminishing the amount to be raised from the people of the states by taxation, and giving each state its portion of the benefits to be derived from the common fund, in a manner the most quiet, and at the same time, perhaps, the most equitable that can be devised.

These provisions, with occasional enactments in behalf of special interests deemed entitled to the favor of government, have, in their execution, produced results as beneficial upon the whole as could reasonably be expected in a matter so vast, so complicated, and so exciting. Upward of seventy millions of acres have been sold, the greater part of which is believed to have been purchased for actual settlement. The population of the new states and territories created out of the public domain, increased between 1800 and 1830, from less than sixty thousand to upward of two millions three hundred thousand souls, constituting, at the latter period, about one fifth of the whole people of the United States. The increase since can not be accurately known, but the whole may now be safely estimated at over three and a half millions of souls; composing nine states,

the representatives of which constitute above one third of the senate, and over one sixth of the house of representatives, of the United States.

Thus has been formed a body of free and independent landholders, with a rapidity unequalled in the history of mankind ; and this great result has been produced without leaving anything for future adjustment between the government and the citizens. The system under which so much has been accomplished can not be intrinsically bad, and with occasional modifications, to correct abuses and adapt it to changes of circumstances, may, I think, be safely trusted for the future. There is, in the management of such extensive interests, much virtue in stability ; and although great and obvious improvements should not be declined, changes should never be made without the fullest examination, and the clearest demonstration of their practical utility.

In the history of the past, we have an assurance that this safe rule of action will not be departed from in relation to the public lands ; nor is it believed that any necessity exists for interfering with the fundamental principles of the system, or that the public mind, even in the new states, is desirous of any radical alterations. On the contrary, the general disposition appears to be, to make such modifications and additions only as will the more effectually carry out the original policy of filling our new states and territories with an industrious and independent population.

The modification most perseveringly pressed upon Congress, which has occupied so much of its time for years past, and will probably do so for a long time to come, if not sooner satisfactorily adjusted, is a reduction in the cost of such portions of the public lands as are ascertained to be unsaleable at the rate now established by law, and a graduation, according to their relative value, of the prices at which they may hereafter be sold. It is worthy of consideration whether justice may not be done to every interest in this matter, and a vexed question set at rest, perhaps for ever, by a reasonable compromise of conflicting opinions. Hitherto, after being offered at public sale, lands have been disposed of at one uniform price, whatever difference there might be in their intrinsic value.

The leading considerations urged in favor of the measure referred to are, that in almost all the land districts, and particularly in those in which the lands have been long surveyed and exposed to sale, there are still remaining numerous and large tracts of every gradation of value, from the government price downward ; that these lands will not be purchased at the government price, so long as better can be conveniently obtained for the same amount ; that there are large tracts which even the improvements of the adjacent lands will never raise to that price ; and that the present uniform price, combined with their irregular value, operates to prevent a desirable compactness of settlement in the new states, and to retard the full development of that wise policy on which our land system is founded, to the injury not only of the several states where the lands lie, but of the United States as a whole.

The remedy proposed has been a reduction in prices according to the length of time the lands have been in market, without reference to any other circumstances. The certainty that the efflux of time would not always, in such cases, and perhaps not even generally, furnish a true criterion of value ; and the probability that persons residing in the vicinity, as the period for the reduction of prices approached, would postpone purchases they would otherwise make, for the purpose of availing themselves

of the lower price, with other considerations of a similar character, have hitherto been successfully urged to defeat the graduation upon time.

May not all reasonable desires upon this subject be satisfied without encountering any of these objections? All will concede the abstract principle, that the price of the public lands should be proportioned to their relative value, so far as that can be accomplished without departing from the rule heretofore observed, requiring fixed prices in cases of private entries. The difficulty of the subject seems to lie in the mode of ascertaining what that value is. Would not the safest plan be that which has been adopted by many of the states as the basis of taxation—an actual valuation of lands and classification of them into different rates?

Would it not be practicable and expedient to cause the relative value of the public lands in the old districts, which have been for a certain length of time in market, to be appraised and classed into two or more rates below the present minimum price, by the officers now employed in this branch of the public service, or in any other mode deemed preferable, and to make those prices permanent, if upon the coming in of the report they shall prove satisfactory to Congress? Can not all the objects of graduation be accomplished in this way, and the objections which have hitherto been urged against it, avoided? It would seem to me that such a step, with a restriction of the sales to limited quantities, and for actual improvement, would be free from all just exceptions.

By the full exposition of the value of the lands thus furnished and extensively promulgated, persons living at a distance would be informed of their true condition, and enabled to enter into competition with those residing in the vicinity; the means of acquiring an independent home would be brought within the reach of many who are unable to purchase at present prices; the population of the new states would be made more compact; and large tracts would be sold which would otherwise remain on hand; not only would the land be brought within the means of a large number of purchasers, but many persons possessed of greater means would be content to settle on a larger quantity of the poorer lands, rather than emigrate further west in pursuit of a smaller quantity of better lands.

Such a measure would also seem to be more consistent with the policy of the existing laws—that of converting the public domain into cultivated farms owned by their occupants. That policy is not best promoted by sending emigration up the almost interminable streams of the west, to occupy in groups the best spots of land, leaving immense wastes behind them, and enlarging the frontier beyond the means of the government to afford it adequate protection; but in encouraging it to occupy, with reasonable denseness, the territory over which it advances, and find its best defence in the compact front which it presents to the Indian tribes. Many of you will bring to the consideration of the subject the advantages of local knowledge and greater experience, and all will be desirous of making an early and final disposition of every disturbing question in regard to this important interest. If these suggestions shall in any degree contribute to the accomplishment of so important a result, it will afford me sincere satisfaction.

In some sections of the country most of the public lands have been sold, and the registers and receivers have very little to do. It is a subject worthy of inquiry whether, in many cases, two or more districts may not be consolidated, and the number of persons employed in this business considerably reduced. Indeed, the time will come when it will be the

true policy of the general government, as to some of the states, to transfer to them, for a reasonable equivalent, all the refuse and unsold lands, and to withdraw the machinery of the federal land offices altogether. All who take a comprehensive view of our federal system, and believe that one of its greatest excellences consists in interfering as little as possible with the internal concerns of the states, look forward with great interest to this result.

A modification of the existing laws in respect to the prices of the public lands, might also have a favorable influence on the legislation of Congress, in relation to another branch of the subject. Many who have not the ability to buy at present prices settle on those lands, with the hope of acquiring from their cultivation the means of purchasing under pre-emption laws from time to time passed by Congress. For this encroachment on the rights of the United States, they excuse themselves under the plea of their own necessities; the fact that they dispossess nobody, and only enter upon the waste domain; that they give additional value to the public lands in their vicinity; and their intention ultimately to pay the government price. So much weight has from time to time been attached to these considerations, that Congress have passed laws giving actual settlers on the public lands a right of pre-emption to the tracts occupied by them, at the minimum price.

These laws have in all instances been retrospective in their operation; but in a few years after their passage, crowds of new settlers have been found on the public lands, for similar reasons and under like expectations, who have been indulged with the same privileges. This course of legislation tends to impair public respect for the laws of the country. Either the laws to prevent intrusion upon the public lands should be executed, or, if that should be impracticable or inexpedient, they should be modified or repealed. If the public lands are to be considered as open to be occupied by any, they should, by law, be thrown open to all.

That which is intended, in all instances, to be legalized, should at once be made legal, that those who are disposed to conform to the laws may enjoy at least equal privileges with those who are not. But it is not believed to be the disposition of Congress to open the public lands to occupancy without regular entries and payment of the government price, as such a course must tend to worse evils than the credit system, which it was found necessary to abolish.

It would seem, therefore, to be the part of wisdom and sound policy to remove, as far as practicable, the causes which produce intrusions upon the public lands, and then take efficient steps to prevent them in future. Would any single measure be so effective in removing all plausible grounds for those intrusions as the graduation of price already suggested? A short period of industry and economy in any part of our country would enable the poorest citizen to accumulate the means to buy him a home at the lowest prices, and leave him without apology for settling on lands not his own. If he did not, under such circumstances, he would enlist no sympathy in his favor; the laws would be readily executed, without doing violence to public opinion.

A large portion of our citizens have seated themselves on the public lands, without authority, since the passage of the last pre-emption law, and now ask the enactment of another, to enable them to retain the lands occupied, upon payment of the minimum government price. They ask that which has been repeatedly granted before. If the future may be

judged of by the past, little harm can be done to the interests of the treasury by yielding to their request. Upon a critical examination, it is found that the lands sold at the public sales since the introduction of cash payments in 1820, have produced, on an average, the net revenue of only six cents an acre more than the minimum government price. There is no reason to suppose that future sales will be more productive. The government, therefore, has no adequate pecuniary interest to induce it to drive these people from the lands they occupy, for the purpose of selling them to others.

Entertaining these views, I recommend the passage of a pre-emption law for their benefit, in connexion with the preparatory steps toward the graduation of the price of the public lands, and further and more effectual provisions to prevent intrusions hereafter. Indulgence to those who have settled on these lands with expectations that past legislation would be made a rule for the future, and at the same time removing the most plausible ground on which intrusions are excused, and adopting more efficient means to prevent them hereafter, appears to me the most judicious disposition which can be made of this difficult subject. The limitations and restrictions to guard against abuses in the execution of the pre-emption law will necessarily attract the careful attention of Congress; but under no circumstances is it considered expedient to authorize floating claims in any shape. They have been heretofore, and doubtless would be hereafter, most prolific sources of fraud and oppression, and instead of operating to confer the favor of the government on industrious settlers, are often used only to minister to a spirit of cupidity at the expense of the most meritorious of that class.

The accompanying report of the secretary of war will bring to your view the state of the army, and all the various subjects confided to the superintendence of that officer.

The principal part of the army has been concentrated in Florida, with a view and in the expectation of bringing the war in that territory to a speedy close. The necessity of stripping the posts on the maritime and inland frontiers of their entire garrisons, for the purpose of assembling in the field an army of less than four thousand men, would seem to indicate the necessity of increasing our regular forces; and the superior efficiency as well as greatly diminished expense of that description of troops, recommend this measure as one of economy as well as of expediency. I refer to the report for the reasons which have induced the secretary of war to urge the reorganization and enlargement of the staff of the army, and of the ordnance corps, in which I fully concur.

It is not, however, compatible with the interests of the people to maintain, in time of peace, a regular force adequate to the defence of our extensive frontiers. In periods of danger and alarm, we must rely principally upon a well-organized militia; and some general arrangement that will render this description of force more efficient has long been a subject of anxious solicitude. It was recommended to the first Congress by General Washington, and has since been frequently brought to your notice, and recently its importance strongly urged by my immediate predecessor. The provision in the constitution that renders it necessary to adopt a uniform system of organization for the militia, throughout the United States, presents an insurmountable obstacle to an efficient arrangement by the classification heretofore proposed, and I invite your attention to the plan which will be submitted by the secretary of war, for the organization of volunteer corps,



and the instruction of militia officers, as more simple and practicable, if not equally advantageous, as a general arrangement of the whole militia of the United States.

A moderate increase of the corps both of military and topographical engineers, has been more than once recommended by my predecessor, and my conviction of the propriety, not to say necessity of the measure, in order to enable them to perform the various and important duties imposed upon them, induces me to repeat the recommendation.

The military academy continues to answer all the purposes of its establishment, and not only furnishes well-educated officers of the army, but serves to diffuse throughout the mass of our citizens individuals possessed of military knowledge, and the scientific attainments of civil and military engineering. At present, the cadet is bound, with the consent of his parents or guardians, to remain in service five years from the period of his enlistment, unless sooner discharged, thus exacting only one year's service in the army after his education is completed. This does not appear to me sufficient. Government ought to command for a longer period the services of those who are educated at the public expense; and I recommend that the time of enlistment be extended to seven years, and the terms of the engagement strictly enforced.

The creation of a national foundry for cannon, to be common to the service of the army and navy of the United States, has been heretofore recommended, and appears to be required, in order to place our ordnance on an equal footing with that of other countries, and to enable that branch of the service to control the prices of those articles, and graduate the supplies to the wants of the government, as well as to regulate their quality and insure their uniformity. The same reasons induce me to recommend the erection of a manufactory of gunpowder, to be under the direction of the ordnance office. The establishment of a manufactory of small arms west of the Allegany mountains, upon the plan proposed by the secretary of war, will contribute to extend throughout that country the improvements which exist in establishments of a similar description in the Atlantic states, and tend to a much more economical distribution of the armament required in the western portion of our Union.

The system of removing the Indians west of the Mississippi, commenced by Mr. Jefferson, in 1804, has been steadily persevered in by every succeeding president, and may be considered the settled policy of the country. Unconnected at first with any well-defined system for their improvement, the inducements held out to the Indians were confined to the greater abundance of game to be found in the west; but when the beneficial effects of their removal were made apparent, a more philanthropic and enlightened policy was adopted, in purchasing their lands east of the Mississippi. Liberal prices were given, and provisions inserted in all the treaties with them for the application of the funds they received in exchange, to such purposes as were best calculated to promote their present welfare, and advance their future civilization. These measures have been attended thus far with the happiest results.

It will be seen, by referring to the report of the commissioner of Indian affairs, that the most sanguine expectations of the friends and promoters of this system have been realized. The Choctaws, Cherokees, and other tribes that first emigrated beyond the Mississippi, have, for the most part, abandoned the hunter state, and become cultivators of the soil. The improvement in their condition has been rapid, and it is believed that they are

now fitted to enjoy the advantages of a simple form of government, which has been submitted to them and received their sanction ; and I can not too strongly urge this subject upon the attention of Congress.

Stipulations have been made with all the Indian tribes to remove them beyond the Mississippi, except with the band of the Wyandots, the Six Nations, in New York, the Menomonees, Mandans, and Stockbridges, in Wisconsin, and Miamies, in Indiana. With all, but the Menomonees, it is expected that arrangements for their emigration will be completed the present year. The resistance which has been opposed to their removal by some of the tribes, even after treaties had been made with them to that effect, has arisen from various causes, operating differently on each of them. In most instances, they have been instigated to resistance by persons to whom the trade with them and the acquisition of their annuities were important ; and in some by the personal influence of interested chiefs. These obstacles must be overcome ; for the government can not relinquish the execution of this policy without sacrificing important interests, and abandoning the tribes remaining east of the Mississippi to certain destruction.

The decrease in numbers of the tribes within the limits of the states and territories has been most rapid. If they be removed, they can be protected from those associations and evil practices which exert so pernicious and destructive an influence over their destinies. They can be induced to labor, and to acquire property, and its acquisition will inspire them with a feeling of independence. Their minds can be cultivated, and they can be taught the value of salutary and uniform laws, and be made sensible of the blessings of free government, and capable of enjoying its advantages. In the possession of property, knowledge, and a good government, free to give what direction they please to their labor, and sharers in the legislation by which their persons and the profits of their industry are to be protected and secured, they will have an ever-present conviction of the importance of union, of peace among themselves, and of the preservation of amicable relations with us. The interests of the United States would also be greatly promoted by freeing the relations between the general and state governments, from what has proved a most embarrassing incumbrance, by a satisfactory adjustment of conflicting titles to lands, caused by the occupation of the Indians, and by causing the resources of the whole country to be developed by the power of the state and general governments, and improved by the enterprise of a white population.

Intimately connected with this subject is the obligation of the government, to fulfil its treaty stipulations, and to protect the Indians thus assembled "at their new residences, from all interruptions and disturbances from any other tribes or nations of Indians, or from any other person or persons whatsoever," and the equally solemn obligation to guard from Indian hostilities its own border settlements stretching along a line of more than one thousand miles. To enable the government to redeem this pledge to the Indians, and to afford adequate protection to its own citizens, will require the continual presence of a considerable regular force on the frontiers, and the establishment of a chain of permanent posts. Examinations of the country are now making, with a view to decide on the most suitable points for the erection of fortresses and other works of defence, the results of which will be presented to you by the secretary of war at an early day, together with a plan for the effectual

protection of the friendly Indians, and the permanent defence of the frontier states.

By the report of the secretary of the navy, herewith communicated, it appears that unremitting exertions have been made at the different navy-yards, to carry into effect all authorized measures for the extension and employment of our naval force. The launching and preparation of the ship-of-the-line *Pennsylvania*, and the complete repairs of the ships-of-the-line *Ohio*, *Delaware*, and *Columbus*, may be noticed, as forming a respectable addition to this important arm of our national defence. Our commerce and navigation have received increased aid and protection during the present year. Our squadrons in the Pacific and on the Brazilian station have been much increased, and that in the Mediterranean, although small, is adequate to the present wants of our commerce in that sea. Additions have been made to our squadron on the West India station, where the large force under Commodore Dallas has been most actively and efficiently employed in protecting our commerce, in preventing the importation of slaves, and in co-operating with the officers of the army in carrying on the war in Florida.

The satisfactory condition of our naval force abroad, leaves at our disposal the means of conveniently providing for a home squadron, for the protection of commerce upon our extensive coast. The amount of appropriations required for such a squadron will be found in the general estimates for the naval service, for the year 1838.

The naval officers engaged upon our coast survey, have rendered important service to our navigation. The discovery of a new channel into the harbor of New York, through which our largest ships may pass without danger, must afford important commercial advantages to that harbor, and add greatly to its value as a naval station. The accurate survey of George's shoals, off the coast of Massachusetts, lately completed, will render comparatively safe a navigation hitherto considered dangerous.

Considerable additions have been made to the number of captains, commanders, lieutenants, surgeons, and assistant surgeons, in the navy. These additions were rendered necessary, by the increased number of vessels put in commission, to answer the exigencies of our growing commerce.

Your attention is respectfully invited to the various suggestions of the secretary, for the improvement of the naval service.

The report of the postmaster-general exhibits the progress and condition of the mail service. The operations of the postoffice department constitute one of the most active elements of our national prosperity, and it is gratifying to observe with what vigor they are conducted. The mail routes of the United States cover an extent of about one hundred and forty-two thousand eight hundred and seventy-seven miles, having been increased about thirty-seven thousand one hundred and three miles within the last two years. The annual mail transportation on these routes is about thirty-six millions two hundred and twenty-eight thousand nine hundred and sixty-two miles, having been increased about ten millions three hundred and fifty-nine thousand four hundred and seventy-six miles within the same period. The number of postoffices has also been increased from ten thousand seven hundred and seventy, to twelve thousand and ninety-nine, very few of which receive the mails less than once a week, and a large portion of them daily. Contractors and postmasters in general are represented as attending to their duties with most commendable zeal

and fidelity. The revenue of the department within the year ending on the 30th of June last, was four millions one hundred and thirty-seven thousand and fifty-six dollars, fifty-nine cents ; and its liabilities accruing within the same time, were three millions three hundred and eighty thousand eight hundred and forty-seven dollars and seventy-five cents. The increase of revenue over that of the preceding year, was seven hundred and eighty thousand one hundred and sixty-six dollars and forty-one cents. For many interesting details, I refer you to the report of the postmaster-general, with the accompanying paper. Your particular attention is invited to the necessity of providing a more safe and convenient building for the accommodation of that department.

I lay before Congress copies of reports, submitted in pursuance of a call made by me upon the heads of departments, for such suggestions as their experience might enable them to make, as to what further legislative provisions may be advantageously adopted to secure the faithful application of public moneys to the objects for which they are appropriated ; to prevent their misapplication or embezzlement by those intrusted with the expenditure of them ; and, generally, to increase the security of the government against losses in their disbursement. It is needless to dilate on the importance of providing such new safeguards as are within the power of legislation to promote these ends ; and I have little to add to the recommendations submitted in the accompanying papers.

By law, the terms of service of our most important collecting and disbursing officers in the civil departments are limited to four years, and when reappointed, their bonds are required to be renewed. The safety of the public is much increased by this feature of the law, and there can be no doubt that its application to all officers intrusted with the collection or disbursement of the public money, whatever may be the tenure of their offices, would be equally beneficial. I therefore recommend, in addition to such of the suggestions presented by the heads of the departments as you may think useful, a general provision that all officers of the army or navy, or in the civil department, intrusted with the receipt or payment of the public money, and whose term of service is either unlimited or for a longer time than four years, be required to give bonds, with good and sufficient securities, at the expiration of every such period.

A change in the period of terminating the fiscal year, from the first of October to the first of April, has been frequently recommended, and appears to be desirable.

The distressing casualties in steamboats, which have so frequently happened, during the year, seem to evince the necessity of attempting to prevent them by means of severe provisions connected with their custom-house papers. This subject was submitted to the attention of Congress by the secretary of the treasury in his last annual report, and will be again noticed at the present session, with additional details. It will doubtless receive that early and careful consideration which its pressing importance appears to require.

Your attention has heretofore been frequently called to the affairs of the District of Columbia, and I should not again ask it, did not their entire dependence on Congress, give them a constant claim upon its notice. Separated by the constitution from the rest of the Union, limited in extent, and aided by no legislature of its own, it would seem to be a spot where a wise and uniform system of local government might have been easily adopted.

This district, however, unfortunately, has been left to linger behind the rest of the Union ; its codes, civil and criminal, are not only very defective, but full of obsolete or inconvenient provisions ; being formed of portions of two states, discrepancies in the laws prevail in different parts of the territory, small as it is ; and although it was selected as the seat of the general government, the site of its public edifices, the depository of its archives, and the residence of officers intrusted with large amounts of public property, and the management of public business, yet it has never been subjected to, or received, that special and comprehensive legislation which these circumstances peculiarly demand.

I am well aware of the various subjects of greater magnitude and immediate interest, that press themselves on the consideration of Congress ; but I believe there is not one that appeals more directly to its justice, than a liberal and even generous attention to the interests of the District of Columbia, and a thorough and careful revision of its local government.

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## SPECIAL MESSAGE.

DECEMBER 21, 1837.

*To the House of Representatives of the United States :—*

IN compliance with a resolution of the house of representatives of the last session, I transmit a report made to me by the architect of the public buildings, with the accompanying documents, exhibiting a plan of the treasury building now in process of erection, showing its location in reference to the adjacent streets and public squares on which it is located, its elevation, the number and size of the rooms it will afford suitable for office business, and the number and size of those suitable only for the deposit of records, with a statement of the sum expended on said building, and an estimate of the sum that will be required to complete the same. As the 5th section of the act of July 4th, 1836, under the authority of which this building has been commenced, provides only for the erection of an edifice of such dimensions as may be required for the present and future accommodation of the treasury department, the size of the structure has been adapted to that purpose ; and it is not contemplated to appropriate any part of the building to the use of any other department. As it is understood, however, that the plan of the edifice admits of its being completed either with or without wings, and that, if Congress should think proper, accommodation may be provided by means of wings, consistent with the harmony of the original design, for the department of state and the general postoffice, it is not thought that the public interest requires any change in the location or plan, although it is believed that the convenience of the public business would be promoted by including in the building proposed accommodations for the two other departments just mentioned. The report of the architect shows the supposed difference of the expense that would be incurred in the event of the construction of the building with wings, in taking down the edifice now occupied by the department of state, or repairing it so as to render it fireproof, and make its outside conform to the other parts of the new building. I also transmit statements

from the heads of the several departments of the number and size of the rooms that are necessary for their respective departments for office business, and for the deposit of records.

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## SPECIAL MESSAGE.

JANUARY 5, 1838.

*To the Senate and House of Representatives of the United States :—*

RECENT experience on the southern boundary of the United States, and the events now daily occurring on our northern frontier, have abundantly shown that the existing laws are insufficient to guard against hostile invasion from the United States of the territory of friendly and neighboring nations.

The laws in force provide sufficient penalties for the punishment of such offences after they have been committed, and provided the parties can be found, but the executive is powerless in many cases to prevent the commission of them, even when in possession of ample evidence of an intention on the part of evil-disposed persons to violate our laws.

Your attention is called to this defect in our legislation. It is apparent that the executive ought to be clothed with adequate power effectually to restrain all persons within our jurisdiction from the commission of acts of this character. They tend to disturb the peace of the country, and inevitably involve the government in perplexing controversies with foreign powers. I recommend a careful revision of all the laws now in force, and such additional enactments as may be necessary to vest in the executive full power to prevent injuries being inflicted upon neighboring nations, by the unauthorized and unlawful acts of citizens of the United States, or of other persons who may be within our jurisdiction and subject to our control.

An illustration of these views, and to show the necessity of early action on the part of Congress, I submit herewith a copy of a letter received from the marshal of the northern district of New York, who had been directed to repair to the frontier, and take all authorized measures to secure the faithful execution of existing laws.

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## SPECIAL MESSAGE.

JANUARY 8, 1838.

*To the Senate and House of Representatives of the United States :—*

IN the highly-excited state of feeling on the northern frontiers, occasioned by the disturbances in Canada, it was to be apprehended that causes of complaint might arise on the line dividing the United States from her Britannic majesty's dominions. Every precaution was, therefore, taken on our part, authorized by the existing laws; and, as the troops of the provinces were embodied on the Canadian side, it was hoped that no serious violation of the rights of the United States would be permitted to occur. I regret, however, to inform you that an outrage of a

most aggravated character has been committed, accompanied by a hostile though temporary invasion of our territory, producing the strongest feelings of resentment on the part of our citizens in the neighborhood, and on the whole border line, and that the excitement previously existing has been alarmingly increased. To guard against the possible recurrence of any similar act, I have thought it indispensable to call out a portion of the militia, to be posted on that frontier. The documents herewith presented to Congress show the character of the outrage committed, the measures taken in consequence of its occurrence, and the necessity for resorting to them.

It will also be seen that the subject was immediately brought to the notice of the British minister accredited to this country, and the proper steps taken, on our part, to obtain the fullest information of all the circumstances leading to and attendant upon the transaction, preparatory to a demand for reparation. I ask such appropriations as the circumstances in which our country is thus unexpectedly placed require.

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### SPECIAL MESSAGE.

MAY 10, 1838.

*To the Senate and House of Representatives :—*

I SUBMIT to the consideration of Congress a statement prepared by the secretary of the treasury, by which it appears that the United States, with over twenty-eight millions in deposit with the states, and over fifteen millions due from individuals and banks, are, from the situation in which those funds are placed, in immediate danger of being rendered unable to discharge, with good faith and promptitude, the various pecuniary obligations of the government.

The occurrence of this result has for some time been apprehended, and efforts made to avert it. As the principal difficulty arises from a prohibition in the present law to reissue such treasury-notes as might be paid in before they fall due, and may be effectually obviated by giving the treasury during the whole year the benefit of the full amount originally authorized, the remedy would seem to be obvious and easy.

The serious embarrassments likely to arise from a longer continuance of the present state of things, induces me respectfully to invite the earliest action of Congress to the subject which may be consistent with a due regard to other public interests.

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### SPECIAL MESSAGE.

JUNE 20, 1838.

*To the House of Representatives of the United States :—*

I TRANSMIT, in compliance with a resolution of the house of representatives of the 11th instant, reports from the secretary of state, treasury, and war, with the documents referred to by them respectively. It will be seen that the outrage committed on the steamboat *Sir Robert Peel*, under

the British flag, within the waters of the United States, and on the steam-boat Telegraph, under the American flag, at Brockville, in Upper Canada, have not been followed by any demand by either government concerned in them. Investigations have been made; some of the individuals inculpated have been arrested, and prosecutions are in progress, the result of which can not be doubted. The excited state of public feeling on the borders of Canada, on both sides of the line, has occasioned the most painful anxiety to this government. Every effort has been, and will be made, to prevent the success of the design, apparently formed and in the course of execution, by Canadians who have found a refuge within the territory, aided by a few reckless persons of our own country, to involve the nation in a war with a neighboring and friendly power. Such design can not succeed while the two governments appreciate and confidently rely upon the good faith of each other in the performance of their respective duties. With a fixed determination to use all the means in my power to put a speedy and satisfactory termination to these border troubles, I have the most confident assurances of the cordial co-operation of the British authorities, at home and in the North American possessions, in the accomplishment of a purpose so sincerely and earnestly desired by the governments and people both of the United States and Great Britain.

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## SECOND ANNUAL MESSAGE.

DECEMBER 4, 1838.

*Fellow-Citizens of the Senate and House of Representatives:—*

I CONGRATULATE you on the favorable circumstances in the condition of our country, under which you reassemble for the performance of your official duties. Though the anticipations of an abundant harvest have not everywhere been realized, yet, on the whole, the labors of the husbandman are rewarded with a bountiful return; industry prospers in its various channels of business and enterprise; general health again prevails through our vast diversity of climate; nothing threatens from abroad the continuance of external peace; nor has anything at home impaired the strength of those fraternal and domestic ties which constitute the only guarantee to the success and permanency of our happy Union, and which, formed in the hour of peril, have hitherto been honorably sustained through every vicissitude in our national affairs. These blessings, which evince the care and beneficence of Providence, call for our devout and fervent gratitude.

We have not less reason to be grateful for other bounties bestowed by the same munificent hand, and more exclusively our own.

The present year closes the first half century of our federal institutions; and our system, differing from all others in the acknowledged practical and unlimited operation which it has for so long a period given to the sovereignty of the people, has now been fully tested by experience.

The constitution devised by our forefathers as the framework and bond of that system, then untried, has become a settled form of government; not only preserving and protecting the great principles upon which it was founded, but wonderfully promoting individual happiness and private interests. Though subject to change and entire revocation, whenever



deemed inadequate to all these purposes, yet such is the wisdom of its construction, and so stable has been the public sentiment, that it remains unaltered, except in matters of detail, comparatively unimportant. It has proved amply sufficient for the various emergencies incident to our condition as a nation. A formidable foreign war; agitating collisions between domestic, and in some respects rival sovereignties; temptations to interfere in the intestine commotions of neighboring countries; the dangerous influences that arise in periods of excessive prosperity; and the anti-republican tendencies of associated wealth—these, with other trials not less formidable, have all been encountered, and thus far successfully resisted.

It was reserved for the American Union to test the advantages of a government entirely dependent on the continual exercise of the popular will; and our experience has shown that it is as beneficent in practice as it is just in theory. Each successive change made in our local institutions has contributed to extend the right of suffrage, has increased the direct influence of the mass of the community, given greater freedom to individual exertion, and restricted more and more the powers of government; yet the intelligence, prudence and patriotism of the people, have kept pace with the augmented responsibility. In no country has education been so widely diffused. Domestic peace has nowhere so largely reigned. The close bonds of social intercourse have, in no instance, prevailed with such harmony over a space so vast. All forms of religion have united, for the first time, to diffuse charity and piety, because, for the first time in the history of nations, all have been totally untrammelled, and absolutely free. The deepest recesses of the wilderness have been penetrated; yet, instead of the rudeness in the social condition consequent upon such adventures elsewhere, numerous communities have sprung up, already unrivalled in prosperity, general intelligence, internal tranquillity, and the wisdom of their political institutions. Internal improvements, the fruit of individual enterprise, fostered by the protection of the states, have added new links to the confederation, and fresh rewards to provident industry. Doubtful questions of domestic policy have been quietly settled by mutual forbearance; and agriculture, commerce, and manufactures, minister to each other. Taxation and public debt, the burdens which bear so heavily upon all other countries, have pressed with comparative lightness upon us. Without one entangling alliance, our friendship is prized by every nation; and the rights of our citizens are everywhere respected, because they are known to be guarded by a united, sensitive, and watchful people.

To this practical operation of our institutions, so evident and successful, we owe that increased attachment to them which is among the most cheering exhibitions of popular sentiment, and will prove their best security, in time to come, against foreign or domestic assault.

This review of the results of our institutions, for half a century, without exciting a spirit of vain exultation, should serve to impress upon us the great principles from which they have sprung: constant and direct supervision by the people over every public measure; strict forbearance on the part of the government from exercising any doubtful or disputed powers; and a constant abstinence from all interference with concerns which properly belong, and are best left to state regulations and individual enterprise.

Full information of the state of our foreign affairs having been recently, on different occasions, submitted to Congress. I deem it necessary now to

bring to your notice such events as have subsequently occurred, or are of such importance as to require particular attention.

The most amicable dispositions continue to be exhibited by all the nations with whom the government and citizens of the United States have an habitual intercourse. At the date of my last annual message, Mexico was the only nation which could not be included in so gratifying a reference to our foreign relations.

I am happy to be now able to inform you that an advance has been made toward the adjustment of our difficulties with that republic, and the restoration of the customary good-feeling between the two nations. This important change has been effected by conciliatory negotiations that have resulted in the conclusion of a treaty between the two governments, which, when ratified, will refer to the arbitrament of a friendly power all the subjects of controversy between us growing out of injuries to individuals. There is, at present, also, reason to believe that an equitable settlement of all disputed points will be attained without further difficulty or unnecessary delay, and thus authorize the free resumption of diplomatic intercourse with our sister republic.

With respect to the northeastern boundary of the United States, no official correspondence between this government and that of Great Britain has passed since that communicated to Congress, toward the close of their last session. The offer to negotiate a convention for the appointment of a joint commission of survey and exploration, I am, however, assured will be met by her majesty's government in a conciliatory and friendly spirit, and instructions to enable the British minister here to conclude such an arrangement will be transmitted to him without needless delay. It is hoped and expected that those instructions will be of a liberal character, and that this negotiation, if successful, will prove to be an important step toward the satisfactory and final adjustment of the controversy.

I had hoped that the respect for the laws, and regard for the peace and honor of their own country, which have ever characterized the citizens of the United States, would have prevented any portion of them from using any means to promote insurrection in the territory of a power with which we are at peace, and with which the United States are desirous of maintaining the most friendly relations. I deeply regret, however, to be obliged to inform you that this has not been the case. Information has been given to me, derived from official and other sources, that many citizens of the United States have associated together to make hostile incursions from our territory into Canada, and to aid and abet insurrection there, in violation of the obligations and laws of the United States, and in open disregard of their own duties as citizens. This information has been in part confirmed by a hostile invasion actually made by citizens of the United States, in conjunction with Canadians and others, and accompanied by a forcible seizure of the property of our citizens, and an application thereof to the prosecution of military operations against the authorities and people of Canada.

The results of these criminal assaults upon the peace and order of a neighboring country have been, as was to be expected, fatally destructive to the misguided or deluded persons engaged in them, and highly injurious to those in whose behalf they are professed to have been undertaken. The authorities in Canada, from intelligence received of such intended movements among our citizens, have felt themselves obliged to take precautionary measures against them, have actually embodied the militia, and assumed

an attitude to repel an invasion to which they believed the colonies were exposed from the United States. A state of feeling on both sides of the frontier had thus been produced, which called for prompt and vigorous interference. If an insurrection existed in Canada, the amicable dispositions of the United States toward Great Britain, as well as their duty to themselves, would lead them to maintain a strict neutrality, and to restrain their citizens from all violations of the laws which have been passed for its enforcement. But this government recognises a still higher obligation to repress all attempts on the part of its citizens to disturb the peace of a country where order prevails, or has been re-established. Depredations by our citizens upon nations at peace with the United States, or combinations for committing them, have at all times been regarded by the American government and people with the greatest abhorrence. Military incursions by our citizens into countries so situated, and the commission of acts of violence on the members thereof, in order to effect a change in its government, or under any pretext whatever, have, from the commencement of our government, been held equally criminal on the part of those engaged in them, and as much deserving punishment as would be the disturbance of the public peace by the perpetration of similar acts within our own territory.

By no country or persons have these invaluable principles of international law—principles, the strict observance of which is so indispensable to the preservation of social order in the world—been more earnestly cherished or sacredly respected than by those great and good men, who first declared, and finally established, the independence of our own country. They promulgated and maintained them at an early and critical period in our history; they were subsequently embodied in legislative enactments of highly penal character, the faithful enforcement of which has hitherto been, and will, I trust, always continue to be, regarded as a duty inseparably associated with the maintenance of our national honor. That the people of the United States should feel an interest in the spread of political institutions as free as they regard their own to be, is natural; nor can a sincere solicitude for the success of all those who are, at any time, in good faith struggling for their acquisition, be imputed to our citizens as a crime. With the entire freedom of opinion, and an undisguised expression thereof, on their part, the government has neither the right, nor, I trust, the disposition, to interfere. But whether the interest or the honor of the United States require that they should be made a party to any such struggle, and, by inevitable consequence, to the war which is waged in its support, is a question which, by our constitution, is wisely left to Congress alone to decide. It is, by the laws, already made criminal in our citizens to embarrass or anticipate that decision by unauthorized military operations on their part.

Offences of this character, in addition to their criminality as violations of the laws of our country, have a direct tendency to draw down upon our citizens at large the multiplied evils of a foreign war, and expose to injurious imputations the good faith and honor of the country. As such, they deserve to be put down with promptitude and decision. I can not be mistaken, I am confident, in counting on the cordial and general concurrence of our fellow-citizens in this sentiment. A copy of the proclamation which I have felt it my duty to issue, is herewith communicated. I can not but hope that the good sense and patriotism, the regard for the honor and reputation of their country, the respect for the laws which they have themselves

enacted for their own government, and the love of order for which the mass of our people have been so long and so justly distinguished, will deter the comparatively few who are engaged in them from a further prosecution of such desperate enterprises. In the meantime the existing laws have been, and will continue to be, faithfully executed; and every effort will be made to carry them out in their full extent. Whether they are sufficient or not to meet the actual state of things on the Canadian frontier, it is for Congress to decide.

It will appear, from the correspondence herewith submitted, that the government of Russia decline a renewal of the fourth article of the convention of April, 1824, between the United States and his imperial majesty, by the third article of which it is agreed that "hereafter there shall not be formed by the citizens of the United States, or under the authority of the said states, any establishment upon the northwest coast of America, nor in any of the islands adjacent, to the north of 54 deg. 40 min. of north latitude; and that in the same manner there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel;" and by the fourth article, that "during a term of ten years, counting from the signature of the present convention, the ships of both powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hinderance whatever, the interior seas, gulfs, harbors, and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country." The reasons assigned for declining to renew the provisions of this article are, briefly, that the only use made by our citizens of the privilege it secures to them, has been to supply the Indians with spirituous liquors, ammunition, and firearms; that this traffic has been excluded from the Russian trade; and as the supplies furnished from the United States are injurious to the Russian establishments on the northwest coast, and calculated to produce complaints between the two governments, his imperial majesty thinks it for the interest of both countries not to accede to the proposition made by the American government for the renewal of the article last referred to.

The correspondence herewith communicated will show the grounds upon which we contend that the citizens of the United States have, independent of the provisions of the convention of 1824, a right to trade with the natives upon the coast in question, at unoccupied places, liable, however, it is admitted, to be at any time extinguished by the creation of Russian establishments at such points. The right is denied by the Russian government, which asserts that by the operation of the treaty of 1824, each party agreed to waive the general right to land on the vacant coasts on the respective sides of the degree of latitude referred to, and accepted, in lieu thereof, the mutual privileges mentioned in the fourth article. The capital and tonnage employed by our citizens in their trade with the northwest coast of America will, perhaps, on adverting to the official statements of the commerce and navigation of the United States, for the last few years, be deemed too inconsiderable in amount to attract much attention; yet the subject may, in other respects, deserve the careful consideration of Congress.

I regret to state that the blockade of the principal ports on the eastern coast of Mexico, which, in consequence of differences between that republic and France, was instituted in May last, unfortunately still continues, enforced by a competent French naval force, and is necessarily embarrassing to our own trade in the gulf, in common with that of other nations.

Every disposition, however, is believed to exist, on the part of the French government, to render this measure as little onerous as practicable to the interests of the citizens of the United States, and to those of neutral commerce; and it is to be hoped that an early settlement of the difficulties between France and Mexico will soon re-establish the harmonious relations formerly subsisting between them, and again open the ports of that republic to the vessels of all friendly nations.

A convention for marking that part of the boundary between the United States and the republic of Texas, which extends from the mouth of the Sabine to the Red river, was concluded and signed at this city on the 25th of April last. It has since been ratified by both governments; and seasonable measures will be taken to carry it into effect on the part of the United States.

The application of that republic for admission into this Union, made in August, 1837, and which was declined for reasons already made known to you, has been formally withdrawn, as will appear from the accompanying copy of the note of the minister plenipotentiary of Texas, which was presented to the secretary of state on the occasion of the exchange of ratifications of the convention above mentioned.

Copies of the convention with Texas, of a commercial treaty concluded with the king of Greece, and of a similar treaty with the Peru-Bolivian confederation, the ratifications of which have been recently exchanged, accompany this message for the information of Congress, and for such legislative enactments as may be found necessary or expedient, in relation to either of them.

To watch over and foster the interests of a gradually-increasing and widely-extended commerce; to guard the rights of American citizens, whom business, or pleasure, or other motives, may tempt into distant climes, and at the same time to cultivate those sentiments of mutual respect and goodwill which experience has proved so beneficial in international intercourse, the government of the United States has deemed it expedient, from time to time, to establish diplomatic connexions with different foreign states, by the appointment of representatives to reside within their respective territories. I am gratified to be enabled to announce to you that, since the close of your last session, these relations have been opened under the happiest auspices with Austria and the Two Sicilies; that new nominations have been made in the respective missions of Russia, Brazil, Belgium, Sweden, and Norway, in this country; and that a minister extraordinary has been received, accredited to this government from the Argentine confederation.

An exposition of the fiscal affairs of the government, and of their condition for the past year, will be made to you by the secretary of the treasury.

The available balance in the treasury, on the 1st of January next, is estimated at two millions seven hundred and sixty-five thousand three hundred and forty-two dollars. The receipts of the year, from customs and lands, will probably amount to twenty millions six hundred and fifteen thousand five hundred and ninety-eight dollars. These usual sources of revenue have increased by an issue of treasury-notes, of which less than eight millions of dollars, including interest and principal, will be outstanding at the end of the year, and by the sale of one of the bonds of the bank of the United States, for two millions two hundred and fifty-four thousand eight hundred and seventy-one dollars. The aggregate of means from

these and other sources, with the balance on hand on the 1st of January last, has been applied to the payment of appropriations by Congress. The whole expenditure for the year on their account, including the redemption of more than eight millions of treasury-notes, constitutes an aggregate of about forty millions of dollars, and will still leave in the treasury the balance before stated.

Nearly eight millions of dollars of treasury-notes are to be paid during the coming year, in addition to the ordinary appropriations for the support of government. For both these purposes, the resources of the treasury will undoubtedly be sufficient, if the charges upon it are not increased beyond the annual estimates. No excess, however, is likely to exist; nor can the postponed instalment of the surplus revenue be deposited with the states, nor any considerable appropriations beyond the estimates be made, without causing a deficit in the treasury. The great caution, advisable at all times, of limiting appropriations to the wants of the public service, is rendered necessary at present by the prospective and rapid reduction of the tariff; while the vigilant jealousy, evidently excited among the people by the occurrences of the last few years, assures us that they expect from their representatives, and will sustain them in the exercise of, the most rigid economy. Much can be effected by postponing appropriations not immediately required for the ordinary public service, or for any pressing emergency; and much, by reducing the expenditures, where the entire and immediate accomplishment of the objects in view is not indispensable.

When we call to mind the recent and extreme embarrassments produced by excessive issues of bank paper, aggravated by the unforeseen withdrawal of much foreign capital, and the inevitable derangement arising from the distribution of the surplus revenue among the states as required by Congress; and consider the heavy expenses incurred by the removal of Indian tribes; by the military operations in Florida; and on account of the unusually large appropriations made at the last two annual sessions of Congress for other objects; we have striking evidence, in the present efficient state of our finances, of the abundant resources of the country to fulfil all its obligations. Nor is it less gratifying to find that the general business of the community, deeply affected as it has been, is reviving with additional vigor, chastened by the lessons of the past, and animated by the hopes of the future. By the curtailment of paper issues; by curbing the sanguine and adventurous spirit of speculation; and by the honorable application of all available means to the fulfilment of obligations, confidence has been restored both at home and abroad, and ease and facility secured to all the operations of trade.

The agency of the government in producing these results has been as efficient as its powers and means permitted. By withholding from the states the deposit of the fourth instalment, and leaving several millions at long credits with the banks, principally in one section of the country, and more immediately beneficial to it; and, at the same time, aiding the banks and commercial communities in other sections, by postponing the payment of bonds for duties to the amount of between four and five millions of dollars; by an issue of treasury-notes as a means to enable the government to meet the consequences of their indulgences, but affording, at the same time, facilities for remittance and exchange; and by steadily declining to employ as general depositories of the public revenues, or receive the notes of all banks which refused to redeem them with specie;

by these measures, aided by the favorable action of some of the banks, and by the support and co-operation of a large portion of the community, we have witnessed an early resumption of specie payments in our great commercial capital, promptly followed in almost every part of the United States. This result has been alike salutary to the true interests of agriculture, commerce, and manufactures; to public morals, respect for the laws, and that confidence between man and man which is so essential in all our social relations.

The contrast between the suspension of 1814 and that of 1837, is most striking. The short duration of the latter; the prompt restoration of business; the evident benefits resulting from an adherence by the government to the constitutional standard of value, instead of sanctioning the suspension by the receipt of irredeemable paper; and the advantages derived from the large amount of specie introduced into the country previous to 1837, afford a valuable illustration of the true policy of the government in such a crisis. Nor can the comparison fail to remove the impression that a national bank is necessary in such emergencies. Not only were specie payments resumed without its aid, but exchanges have also been more rapidly restored than when it existed; thereby showing that private capital, enterprise, and prudence, are fully adequate to these ends. On all these points, experience seems to have confirmed the views heretofore submitted to Congress. We have been saved the mortification of seeing the distresses of the community for the third time seized on to fasten upon the country so dangerous an institution; and we may also hope that the business of individuals will hereafter be relieved from the injurious effects of a continued agitation of that disturbing subject.

The limited influence of a national bank in averting derangement in the exchanges of the country, or in compelling the resumption of specie payments, is now not less apparent than its tendency to increase inordinate speculation by sudden expansions and contractions; its disposition to create panic and embarrassment for the promotion of its own designs; its interference with politics; and its far greater power for evil than for good, either in regard to the local institutions or the operations of government itself. What was in these respects but apprehension or opinion, when a national bank was first established, now stands confirmed by humiliating experience. The scenes through which we have passed conclusively prove how little our commerce, agriculture, manufactures, or finances, require such an institution, and what dangers are attendant on its power—a power, I trust, never to be conferred by the American people upon their government, and still less upon individuals not responsible to them for its unavoidable abuses.

My conviction of the necessity of further legislative provisions for the safekeeping and disbursement of the public moneys, and my opinion in regard to the measures best adapted to the accomplishment of those objects, have been already submitted to you. These have been strengthened by recent events; and, in the full conviction that time and experience must still further demonstrate their propriety, I feel it my duty, with respectful deference to the conflicting views of others, again to invite your attention to them.

With the exception of limited sums deposited in the few banks still employed under the act of 1836, the amounts received for duties, and, with very inconsiderable exceptions, those accruing from lands also, have, since the general suspension of specie payments by the deposit-banks,

been kept and disbursed by the treasurer, under his general legal powers, subject to the superintendence of the secretary of the treasury. The propriety of defining more specifically, and of regulating by law the exercise of this wide scope of executive discretion, has been already submitted to Congress.

A change in the office of collector at one of our principal ports has brought to light a defalcation of the gravest character, the particulars of which will be laid before you in a special report from the secretary of the treasury. By his report, and the accompanying documents, it will be seen that the weekly returns of the defaulting officer apparently exhibited, throughout, a faithful administration of the affairs intrusted to his management. It, however, now appears that he commenced abstracting the public moneys shortly after his appointment, and continued to do so, progressively increasing the amount, for the term of more than seven years, embracing a portion of the period during which the public moneys were deposited in the bank of the United States, the whole of that of the state bank deposit system, and concluding only on his retirement from office, after that system had substantially failed, in consequence of the suspension of specie payments.

The way in which this defalcation was so long concealed, and the steps taken to indemnify the United States, as far as practicable, against loss, will also be presented to you. The case is one which imperatively claims the attention of Congress, and furnishes the strongest motive for the establishment of a more severe and secure system for the safekeeping and disbursement of the public moneys than any that has heretofore existed.

It seems proper, at all events, that, by an early enactment, similar to that of other countries, the application of public money by an officer of government to private uses, should be made a felony, and visited with severe and ignominious punishment. This is already, in effect, the law in respect to the mint, and has been productive of the most salutary results. Whatever system is adopted, such an enactment would be wise as an independent measure, since much of the public moneys must, in their collection and ultimate disbursement, pass twice through the hands of public officers, in whatever manner they are immediately kept. The government, it must be admitted, has been from its commencement comparatively fortunate in this respect. But the appointing power can not always be well advised in its selections, and the experience of every country has shown that public officers are not at all times proof against temptation. It is a duty, therefore, which the government owes, as well to the interests committed to its care as to the officers themselves, to provide every guard against transgressions of this character, that is consistent with reason and humanity. Congress can not be too jealous of the conduct of those who are intrusted with the public money, and I shall at all times be disposed to encourage a watchful discharge of this duty.

If a more direct co-operation on the part of Congress, in the supervision of the conduct of the officers intrusted with the custody and application of the public money is deemed desirable, it will give me pleasure to assist in the establishment of any judicious and constitutional plan by which that object may be accomplished. You will, in your wisdom, determine upon the propriety of adopting such a plan, and upon the measures necessary to its effectual execution. When the late bank of the United States was incorporated, and made the depository of the public moneys, a



right was reserved to Congress to inspect at its pleasure, by a committee of that body, the books and the proceedings of the bank. In one of the states whose banking institutions are supposed to rank among the first in point of stability, they are subjected to constant examination, by commissioners appointed for that purpose, and much of the success of its banking system is attributed to this watchful supervision.

The same course has also, in view of its beneficial operation, been adopted by an adjoining state, favorably known for the care it has always bestowed upon whatever relates to its financial concerns. I submit to your consideration whether a committee of Congress might not be profitably employed in inspecting, at such intervals as might be deemed proper, the affairs and accounts of officers intrusted with the custody of the public moneys. The frequent performance of this might be made obligatory on the committee in respect to those officers who have large sums in their possession, and left discretionary in respect to others. They might report to the executive such defalcations as were found to exist, with a view to a prompt removal from office, unless the default was satisfactorily accounted for; and report, also, to Congress, at the commencement of each session, the result of their examinations and proceedings. It does appear to me that, with a subjection of this class of public officers to the general supervision of the executive, to examinations by a committee of Congress at periods of which they should have no previous notice, and to prosecution and punishment as for felony for every breach of trust, the safekeeping of the public moneys, under the system proposed, might be placed on a surer foundation than it has ever occupied since the establishment of the government.

The secretary of the treasury will lay before you additional information containing new details on this interesting subject. To these I ask your early attention. That it should have given rise to great diversity of opinion can not be a subject of surprise. After the collection and custody of the public moneys had been for so many years connected with, and made subsidiary to, the advancement of private interests, a return to the simple and self-denying ordinances of the constitution could not but be difficult. But time and free discussion, eliciting the sentiments of the people, and aided by that conciliatory spirit which has ever characterized their course on great emergencies, were relied upon for a satisfactory settlement of the question. Already has this anticipation, on one important point at least—the impropriety of diverting public money to private purposes—been fully realized. There is no reason to suppose that legislation upon that branch of the subject would be now embarrassed by a difference of opinion, or fail to receive the cordial support of a large majority of our constituents.

The connexion which formerly existed between the government and banks was in reality injurious to both, as well as to the general interests of the community at large. It aggravated the disasters of trade and the derangements of commercial intercourse, and administered new excitement and additional means to wild and reckless speculations, the disappointments of which threw the country into convulsions of panic, and all but produced violence and bloodshed. The imprudent expansion of bank credits, which was the natural result of the command of the revenues of the state, furnished the resources for unbounded license in every species of adventure, seduced industry from its regular and salutary occupations by the hope of abundance without labor, and deranged the social state by

tempting all trades and professions into the vortex of speculation on remote contingencies.

The same wide-spreading influence impeded also the resources of the government, curtailed its useful operations, embarrassed the fulfilment of its obligations, and seriously interfered with the execution of the laws. Large appropriations and oppressive taxes are the natural consequences of such a connexion, since they increase the profits of those who are allowed to use the public funds, and make it their interest that money should be accumulated and expenditures multiplied. It is thus that a concentrated money power is tempted to become an active agent in political affairs, and all past experience has shown on which side that influence will be arrayed. We deceive ourselves if we suppose that it will ever be found asserting and supporting the rights of the community at large, in opposition to the claims of the few.

In a government whose distinguishing characteristic should be a diffusion and equalization of its benefits and burdens, the advantage of individuals will be augmented at the expense of the mass of the people. Nor is it the nature of combinations for the acquisition of legislative influence to confine their interference to the single object for which they were originally formed. The temptation to extend it to other matters is, on the contrary, not unfrequently too strong to be resisted. The influence, in the direction of public affairs, of the community at large, is, therefore, in no slight danger of being sensibly and injuriously affected by giving to a comparatively small, but very efficient class, a direct and exclusive personal interest in so important a portion of the legislation of Congress as that which relates to the custody of the public moneys. If laws acting upon private interests can not always be avoided, they should be confined within the narrowest limits, and left, wherever possible, to the legislatures of the states. When not thus restricted, they lead to combinations of powerful associations, foster an influence necessarily selfish, and turn the fair course of legislation to sinister ends, rather than to objects that advance public liberty, and promote the general good.

The whole subject now rests with you, and I can not but express a hope that some definite measure will be adopted at the present session.

It will not, I am sure, be deemed out of place for me here to remark, that the declaration of my views in opposition to the policy of employing banks as depositaries of the government funds, can not justly be construed as indicative of hostility, official or personal, to those institutions; or to repeat in this form, and in connexion with this subject, opinions which I have uniformly entertained, and, on all proper occasions, expressed. Though always opposed to their creation in the form of exclusive privileges, and, as a state magistrate, aiming by appropriate legislation to secure the community against the consequences of their occasional mismanagement, I have yet ever wished to see them protected in the exercise of rights conferred by law, and have never doubted their utility, when properly managed, in promoting the interests of trade, and, through that channel, the other interests of the community. To the general government they present themselves merely as state institutions, having no necessary connexion with its legislation or its administration. Like other state establishments, they may be used or not in conducting the affairs of the government, as public policy and the general interests of the Union may seem to require.

The only safe or proper principle upon which their intercourse with the

government can be regulated, is that which regulates their intercourse with the private citizens—the conferring of mutual benefits. When the government can accomplish a financial operation better with the aid of the banks than without, it should be at liberty to seek that aid as it would the services of a private banker, or other capitalists or agents, giving the preference to those who will serve it on the best terms. Nor can there ever exist an interest in the officers of the general government, as such, inducing them to embarrass or annoy the state banks any more than to incur the hostility of any other class of state institutions, or of private citizens. It is not in the nature of things that hostility to those institutions can spring from this source, or any opposition to their course of business, except when they themselves depart from the objects of their creation, and attempt to usurp powers not conferred upon them, or to subvert the standard of value established by the constitution.

While opposition to their regular operations can not exist in this quarter, resistance to any attempt to make the government dependent upon them for the successful administration of public affairs, is a matter of duty, as I trust it will ever be of inclination, no matter from what motive or consideration the attempt may originate.

It is no more than just to the banks to say, that, in the late emergency, most of them firmly resisted the strongest temptations to extend their paper issues when apparently sustained in a suspension of specie payments by public opinion, even though in some cases invited by legislative enactments. To this honorable course, aided by the resistance of the general government, acting in obedience to the constitution and laws of the United States, to the introduction of an irredeemable paper medium, may be attributed, in a great degree, the speedy restoration of our currency to a sound state, and the business of the country to its wonted prosperity.

The banks have but, to continue in the same safe course, and be content in their appropriate sphere, to avoid all interference from the general government, and to derive from it all the protection and benefits which it bestows on other state establishments, on the people of the states, and on the states themselves. In this, their true position, they can not but secure the confidence and good-will of the people and the government, which they can only lose when, leaping from their legitimate sphere, they attempt to control the legislation of the country, and pervert the operations of the government to their own purposes.

Our experience under the act passed at the last session, to grant redemption rights to settlers on the public lands, has as yet been too limited to enable us to pronounce with safety upon the efficacy of its provisions to carry out the wise and liberal policy of the government in that respect. There is, however, the best reason to anticipate favorable results from its operation. The recommendations formerly submitted to you, in respect to a graduation of the price of the public lands, remain to be finally acted upon. Having found no reason to change the views then expressed, your attention to them is again respectfully requested.

Every proper exertion has been made, and will be continued, to carry out the wishes of Congress in relation to the tobacco-trade, as indicated in the several resolutions of the house of representatives, and the legislation of the two branches. A favorable impression has, I trust, been made in the different foreign countries to which particular direction has been directed; and although we can not hope for an early change in their

policy, as in many of them a convenient and large revenue is derived from monopolies in the fabrication and sale of this article, yet, as these monopolies are really injurious to the people where they are established, and the revenue derived from them may be less injuriously and with equal facility obtained from another and a liberal system of administration, we can not doubt that our efforts will be eventually crowned with success, if persisted in with temperate firmness, and sustained by prudent legislation.

In recommending to Congress the adoption of the necessary provisions at this session for taking the next census, or enumeration of the inhabitants of the United States, the suggestion presents itself whether the scope of the measure might not be usefully extended, by causing it to embrace authentic statistical returns of the great interests specially intrusted to, or necessarily affected by, the legislation of Congress.

The accompanying report of the secretary of war presents a satisfactory account of the state of the army, and of the several branches of the public service confided to the superintendence of that officer.

The law increasing and organizing the military establishment of the United States has been nearly carried into effect, and the army has been extensively and usefully employed during the past season.

I would again call to your notice the subjects connected with and essential to the military defences of the country, which were submitted to you at the last session; but which were not acted upon, as is supposed, for want of time. The most important of them is the organization of the militia on the maritime and inland frontiers. This measure is deemed important, as it is believed that it will furnish an effective volunteer force in aid of the regular army, and may form the basis for a general system of organization for the entire militia of the United States. The erection of a national foundry and gunpowder manufactory, and one for making small arms, the latter to be situated at some point west of the Allegany mountains, all appear to be of sufficient importance to be again urged upon your attention.

The plan proposed by the secretary of war for the distribution of the forces of the United States, in time of peace, is well calculated to promote regularity and economy in the fiscal administration of the service, to preserve the discipline of the troops, and to render them available for the maintenance of the peace and tranquillity of the country. With this view, likewise, I recommend the adoption of the plan presented by that officer for the defence of the western frontier. The preservation of the lives and property of our fellow-citizens, who are settled upon that border country, as well as the existence of the Indian population, which might be tempted by our want of preparation to rush on their own destruction and attack the white settlements—all seem to require that this subject should be acted upon without delay, and the war department authorized to place that country in a state of complete defence against any assault from the numerous and warlike tribes which are congregated on that border.

It affords me sincere pleasure to be able to apprise you of the entire removal of the Cherokee nation of Indians to their new homes west of the Mississippi. The measures authorized by Congress at its last session, with a view to the long-standing controversy with them, have had the happiest effects. By an agreement concluded with them by the commanding general in that country, who has performed the duties assigned to him on

the occasion with commendable energy and humanity, their removal has been principally under the conduct of their own chiefs, and they have emigrated without any apparent reluctance.

The successful accomplishment of this important object; the removal, also, of the entire Creek nation, with the exception of a small number of fugitives among the Seminoles in Florida; the progress already made toward a speedy completion of the removal of the Chickasaws, the Choctaws, the Pottawatamies, the Ottawas, and the Chippewas, with the extensive purchases of Indian lands during the present year, have rendered the speedy and successful result of the long-established policy of the government upon the subject of Indian affairs entirely certain. The occasion is therefore deemed a proper one to place this policy in such a point of view as will exonerate the government of the United States from the undeserved reproach which has been cast upon it through several successive administrations. That a mixed occupancy of the same territory, by the white and red man, is incompatible with the safety or happiness of either, is a position in respect to which there has long since ceased to be room for a difference of opinion. Reason and experience have alike demonstrated its impracticability. The bitter fruits of every attempt heretofore to overcome the barriers interposed by nature, have only been destruction, both physical and moral, to the Indian; dangerous conflicts of authority between the federal and state governments; and detriment to the individual prosperity of the citizens, as well as to the general improvement of the country. The remedial policy, the principles of which were settled more than thirty years ago, under the administration of Mr. Jefferson, consists in an extinction, for a fair consideration, of the title to all the lands still occupied by the Indians within the states and territories of the United States; their removal to a country west of the Mississippi much more extensive, and better adapted to their condition than that on which they then resided; the guarantee to them, by the United States, of their exclusive possession of that country for ever, exempt from all intrusions by white men, with ample provisions for their security against external violence and internal dissensions, and the extension to them of suitable facilities for their advancement in civilization. This has not been the policy of particular administrations only, but of each in succession since the first attempt to carry it out under that of Mr. Monroe. All have labored for its accomplishment, only with different degrees of success. The manner of its execution has, it is true, from time to time given rise to conflicts of opinion and unjust imputations; but, in respect to the wisdom and necessity of the policy itself, there has not, from the beginning, existed a doubt in the mind of any calm, judicious, disinterested friend of the Indian race, accustomed to reflection and enlightened by experience.

Occupying the double character of contractor on its own account, and guardian for the parties contracted with, it was hardly to be expected that the dealings of the federal government with the Indian tribes would escape misrepresentation. That there occurred in the early settlement of this country, as in all others where the civilized race has succeeded to the possessions of the savage, instances of oppression and fraud on the part of the former, there is too much reason to believe. No such offences can, however, be justly charged upon this government, since it became free to pursue its own course. Its dealings with the Indian tribes have been just and friendly throughout; its efforts for their civilization constant, and directed by the best feelings of humanity; its watchfulness in protecting

them from individual frauds, unremitting ; its forbearance under the keenest provocations, the deepest injuries, and the most flagrant outrages, may challenge, at least, a comparison with any nation, ancient or modern, in similar circumstances ; and if, in future times, a powerful, civilized, and happy nation of Indians shall be found to exist within the limits of this northern continent, it will be owing to the consummation of that policy which has been so unjustly assailed. Only a very brief reference to facts in confirmation of this assertion can in this form be given, and you are, therefore, necessarily referred to the report of the secretary of war for further details. To the Cherokees, whose case has perhaps excited the greatest share of attention and sympathy, the United States have granted in fee, with a perpetual guarantee of exclusive and peaceable possession, thirteen millions five hundred and fifty-four thousand one hundred and thirty-five acres of land, on the west side of the Mississippi, eligibly situated, in a healthy climate, and in all respects better suited to their condition than the country they have left, in exchange for only nine millions four hundred and ninety-two thousand one hundred and sixty acres on the east side of the same river. The United States have, in addition, stipulated to pay them five millions six hundred thousand dollars for their interest in, and improvements on, the lands thus relinquished, and one million one hundred and sixty thousand dollars for subsistence and other beneficial purposes ; thereby putting it in their power to become one of the most wealthy and independent separate communities, of the same extent, in the world.

By the treaties made and ratified with the Miamies, the Chippewas, the Sioux, the Sacs and Foxes, and the Winnebagoes, during the last year, the Indian title to eighteen millions four hundred and fifty-eight thousand acres has been extinguished. These purchases have been much more extensive than those of any previous year, and have, with other Indian expenses, borne very heavily upon the treasury. They leave, however, but a small quantity of unbought Indian lands within the states and territories ; and the legislature and executive were equally sensible of the propriety of a final and more speedy extinction of Indian titles within those limits. The treaties which were, with a single exception, made in pursuance of previous appropriations for defraying the expenses, have subsequently been ratified by the senate, and received the sanction of Congress, by the appropriations necessary to carry them into effect. Of the terms upon which these important negotiations were concluded, I can speak from direct knowledge ; and I feel no difficulty in affirming that the interest of the Indians in the extensive territory embraced by them, is to be paid for at its fair value, and that no more favorable terms have been granted to the United States than would have been reasonably expected in a negotiation with civilized men, fully capable of appreciating and protecting their own rights. For the Indian title to one hundred and sixteen millions three hundred and forty-nine thousand eight hundred and ninety-seven acres, acquired since the 4th of March, 1829, the United States have paid seventy-two millions five hundred and sixty thousand and fifty-six dollars, in permanent annuities, lands, reservations for Indians, expenses of removal and subsistence, merchandise, mechanical and agricultural establishments and implements. When the heavy expenses incurred by the United States, and the circumstance that so large a portion of the entire territory will be for ever unsaleable, are considered, and this price is compared with that for which the United States sell their own lands, no one can

doubt that justice has been done to the Indians in these purchases also. Certain it is, that the transactions of the federal government with the Indians have been uniformly characterized by a sincere and paramount desire to promote their welfare; and it must be a source of the highest gratification to every friend of justice and humanity to learn, that notwithstanding the obstructions from time to time thrown in its way, and the difficulties which have arisen from the peculiar and impracticable nature of the Indian character, the wise, humane, and undeviating policy of the government in this, the most difficult of all our relations, foreign or domestic, has at length been justified to the world in its near approach to a happy and certain consummation.

The condition of the tribes which occupy the country set apart for them in the west, is highly prosperous, and encourages the hope of their early civilization. They have, for the most part, abandoned the hunter state, and turned their attention to agricultural pursuits. All those who have been established for any length of time in that fertile region, maintain themselves by their own industry. There are among them traders of no inconsiderable capital, and planters exporting cotton to some extent, but the greater number are small agriculturists, living in comfort upon the produce of their farms. The recent emigrants, although they have in some instances removed reluctantly, have readily acquiesced in their unavoidable destiny. They have found at once a recompense for past sufferings, and an incentive to industrious habits, in the abundance and comforts around them. There is reason to believe that all these tribes are friendly in their feelings toward the United States; and it is to be hoped that the acquisition of individual wealth, the pursuits of agriculture, and habits of industry, will gradually subdue their warlike propensities, and incline them to maintain peace among themselves. To effect this desirable object, the attention of Congress is solicited to the measures recommended by the secretary of war, for their future government and protection, as well from each other, as from the hostility of the warlike tribes around them, and the intrusions of the whites. The policy of the government has given them a permanent home, and guaranteed to them its peaceful and undisturbed possession. It only remains to give them a government and laws which will encourage industry, and secure to them the rewards of their exertions. The importance of some form of government can not be too much insisted upon. The earliest effects will be to diminish the causes and occasions for hostilities among the tribes, to inspire an interest in the observance of laws to which they will have themselves assented, and to multiply the securities of property, and the motives for self-improvement. Intimately connected with this subject, is the establishment of the military defences recommended by the secretary of war, which have been already referred to. Without them, the government will be powerless to redeem its pledges of protection to the emigrating Indians against the numerous warlike tribes that surround them, and to provide for the safety of the frontier settlers of the bordering states.

The case of the Seminoles constitutes at present the only exception to the successful efforts of the government to remove the Indians to the homes assigned them west of the Mississippi. Four hundred of this tribe emigrated in 1836, and fifteen hundred in 1837 and 1838, leaving in the country, it is supposed, about two thousand Indians. The continued treacherous conduct of these people; the savage and unprovoked murders they have lately committed, butchering whole families of the settlers of the territory

without distinction of age or sex, and making their way into the very centre and heart of the country, so that no part of it is free from their ravages; their frequent attacks on the lighthouses along that dangerous coast; and the barbarity with which they have murdered the passengers and crews of such vessels as have been wrecked upon the reefs and keys which border the gulf, leave the government no alternative but to continue the military operations against them until they are totally expelled from Florida.

There are other motives which would urge the government to pursue this course toward the Seminoles. The United States have fulfilled in good faith all their treaty stipulations with the Indian tribes, and have, in every other instance, insisted upon a like performance of their obligations. To relax from this salutary rule, because the Seminoles have maintained themselves so long in the territory they had relinquished, and, in defiance of their frequent and solemn engagements, still continue to wage a ruthless war against the United States, would not only evince a want of constancy on our part, but be of evil example in our intercourse with other tribes. Experience has shown that but little is to be gained by the march of armies through a country so intersected with inaccessible swamps and marshes, and which, from the fatal character of the climate, must be abandoned at the end of the winter. I recommend, therefore, to your attention the plan submitted by the secretary of war in the accompanying report, for the permanent occupation of the portion of the territory freed from the Indians, and the more efficient protection of the people of Florida from their inhuman warfare.

From the report of the secretary of the navy herewith transmitted, it will appear, that a large portion of the disposable naval force is either actively employed, or in a state of preparation for the purpose of experience and discipline, and the protection of our commerce. So effectual has been this protection, that so far as the information of government extends, not a single outrage has been attempted on a vessel carrying the flag of the United States, within the present year, in any quarter, however distant or exposed.

The exploring expedition sailed from Norfolk on the 19th of August last; and information has been received of its safe arrival at the island of Madeira. The best spirit animates the officers and crews, and there is every reason to anticipate, from its efforts, results beneficial to commerce and honorable to the nation.

It will also be seen that no reduction of the force now in commission is contemplated. The unsettled state of a portion of South America renders it indispensable that our commerce should receive protection in that quarter; the vast and increasing interests embarked in the trade of the Indian and China seas, in the whale fisheries of the Pacific ocean, and in the gulf of Mexico, require equal attention to their safety; and a small squadron may be employed to great advantage on our Atlantic coast, in meeting sudden demands for the reinforcement of other stations, in aiding merchant vessels in distress, in affording active service to an additional number of officers, and in visiting the different ports of the United States, an accurate knowledge of which is obviously of the highest importance.

The attention of Congress is respectfully called to that portion of the report recommending an increase in the number of smaller vessels, and to other suggestions contained in that document. The rapid increase and wide expansion of our commerce, which is every day seeking new avenues



of profitable adventure; the absolute necessity of a naval force for its protection, precisely in the degree of its extension; a due regard to the national rights and honor; the recollection of its former exploits, and the anticipation of its future triumphs, whenever opportunity presents itself, which we may rightfully indulge from the experience of the past; all seem to point to the navy as a most efficient arm of our national defence, and a proper object of legislative encouragement.

- The progress and condition of the postoffice department will be seen by reference to the report of the postmaster-general. The extent of post-roads, covered by mail contracts, is stated to be one hundred and thirty-four thousand eight hundred and eighteen miles, and the annual transportation upon them thirty-four millions five hundred and eighty thousand two hundred and two miles. The number of postoffices in the United States is twelve thousand five hundred and fifty three, and rapidly increasing. The gross revenue for the year ending on the 30th day of June last, was four millions two hundred and sixty-two thousand one hundred and forty-five dollars. The accruing expenditures, four millions six hundred and eighty thousand and sixty-eight dollars; excess of expenditures, four hundred and seventeen thousand nine hundred and twenty-three dollars. This has been made up out of the surplus previously on hand. The cash on hand, on the first instant, was three hundred and fourteen thousand and sixty-eight dollars. The revenue for the year ending June 30, 1838, was one hundred and sixty-one thousand five hundred and forty dollars more than that for the year ending June 30, 1837. The expenditures of the department had been graduated upon the anticipation of a largely-increased revenue. A moderate curtailment of mail service consequently became necessary, and has been effected, to shield the department against the danger of embarrassment. Its revenue is now improving, and it will soon resume its onward course in the march of improvement.

Your particular attention is requested to so much of the postmaster-general's report as relates to the transportation of the mails upon rail-roads. The laws on that subject do not seem adequate to secure that service, now become almost essential to the public interests, and at the same time protect the department from combinations and unreasonable demands.

Nor can I too earnestly request your attention to the necessity of providing a more secure building for this department. The danger of destruction to which its important books and papers are continually exposed, as well from the highly combustible character of the building occupied, as from that of others in its vicinity, calls loudly for prompt action.

Your attention is again earnestly invited to the suggestions and recommendations submitted at the last session in respect to the District of Columbia.

I feel it my duty, also, to bring to your notice certain proceedings at law which have recently been prosecuted in this district, in the name of the United States, on the relation of Messrs. Stockton and Stokes, of the state of Maryland, against the postmaster-general, and which have resulted in the payment of money out of the national treasury, for the first time since the establishment of the government, by judicial compulsion, exercised by the common law writ of mandamus, issued by the circuit court of this district.

The facts of the case, and the grounds of the proceedings, will be found fully stated in the report of the decision; and any additional information

which you may desire will be supplied by the proper department. No interference in the particular case is contemplated. The money has been paid; the claims of the prosecutors have been satisfied; and the whole subject, so far as they are concerned, is finally disposed of; but it is on the supposition that the case may be regarded as an authoritative exposition of the law as it now stands, that I have thought it necessary to present it to your consideration.

The object of the application to the circuit court was to compel the postmaster-general to carry into effect an award made by the solicitor of the treasury, under a special act of Congress for the settlement of certain claims of the relators on the postoffice department, which award the postmaster-general declined to execute in full, until he should receive further legislative direction on the subject. If the duty imposed on the postmaster-general by that law was to be regarded as one of an official nature, belonging to his office as a branch of the executive, then it is obvious that the constitutional competency of the judiciary to direct and control him in its discharge, was necessarily drawn in question. And if the duty so imposed on the postmaster-general was to be considered as merely ministerial, and not executive, it yet remained to be shown that the circuit court of this district had authority to interfere by mandamus—such a power having never before been asserted or claimed by that court. With a view to the settlement of these important questions, the judgment of the circuit court was carried, by a writ of error, to the supreme court of the United States. In the opinion of that tribunal, the duty imposed on the postmaster-general was not an official executive duty, but one of a merely ministerial nature. The grave constitutional questions which had been discussed were therefore excluded from the decision of the case; the court, indeed, expressly admitting that, with powers and duties properly belonging to the executive, no other department can interfere by the writ of mandamus; and the question therefore resolved itself into this: Has Congress conferred upon the circuit court of this district the power to issue such a writ to an officer of the general government, commanding him to perform a ministerial act? A majority of the court have decided that it has, but have founded their decision upon process of reasoning which, in my judgment, renders further legislative provision indispensable to the public interests and the equal administration of justice.

It has long since been decided by the supreme court, that neither that tribunal nor the circuit courts of the United States held within the respective states, possess the power in question; but it is now held that this power, denied to both these high tribunals (to the former by the constitution, and to the latter by Congress), has been, by its legislation, vested in the circuit court of this district. No such direct grant of power to the circuit court of this district is claimed; but it has been held to result, by necessary implication, from several sections of the law establishing the court. One of these sections declares, that the laws of Maryland, as they existed at the time of the cession, should be in force in that part of the district ceded by that state; and, by this provision, the common law, in civil and criminal cases, as it prevailed in Maryland in 1801, was established in that part of the district.

In England, the court of king's bench—because the sovereign, who, according to the theory of the constitution, is the fountain of justice, originally sat there in person, and is still deemed to be present, in construction of law—alone possesses the high power of issuing the writ of mandamus,

not only to inferior jurisdictions and corporations, but also to magistrates and others, commanding them, in the king's name, to do what their duty requires, in cases where there is a vested right, and no other specific remedy. It has been held, in the case referred to, that, as the supreme court of the United States is, by the constitution, rendered incompetent to exercise this power, and as the circuit court of this district is a court of general jurisdiction in cases at common law, and the highest court of original jurisdiction in the district, the right to issue the writ of mandamus is incident to its common-law powers. Another ground relied upon to maintain the power in question is, that it was included, by fair construction, in the power it granted to the circuit courts of the United States, by the act "to provide for the more convenient organization of the courts of the United States," passed 13th of February, 1801; that the act establishing the circuit court of this district, passed the 27th of February, 1801, conferred upon that court and the judges thereof the same powers as were by law vested in the circuit courts of the United States and in the judges of the said courts; that the repeal of the first-mentioned act, which took place in the next year, did not divest the circuit court of this district of the authority in dispute, but left it still clothed with the powers over the subject which, it is conceded, were taken away from the circuit courts of the United States by the repeal of the act of 13th February, 1801.

Admitting that the adoption of the laws of Maryland for a portion of this district confers on the circuit court thereof, in that portion, the transcendent extra-judicial prerogative powers of the court of king's bench, in England, or that either of the acts of Congress, by necessary implication, authorizes the former court to issue a writ of mandamus to an officer of the United States, to compel him to perform a ministerial duty, the consequences are in one respect the same. The result in either case is, that the officers of the United States, stationed in different parts of the United States, are, in respect to the performance of their official duties, subject to different laws and a different supervision: those in the states to one rule, and those in the District of Columbia to another, and a very different one. In the district their official conduct is subject to a judicial control from which in the state they are exempt.

Whatever difference of opinion may exist as to the expediency of vesting such a power in the judiciary, in a system of government constituted like that of the United States, all must agree that these disparaging discrepancies in the law and in the administration of justice, ought not to be permitted to continue; and as Congress alone can provide the remedy, the subject is unavoidably presented to your consideration.

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## SPECIAL MESSAGE.

DECEMBER 6, 1838.

*To the Senate and House of Representatives of the United States:—*

THE act of the 1st July, 1836, to enable the executive to assert and prosecute, with effect, the claim of the United States to the legacy bequeathed to them by James Smithson, late of London, having received its entire execution, and the amount recovered and paid into the treasury having, agreeably to an act of the last session, been invested in state

stocks, I deem it proper to invite the attention of Congress to the obligation now devolving upon the United States to fulfil the object of the bequest. In order to obtain such information as might serve to facilitate its attainment, the secretary of state was directed, in July last, to apply to persons versed in science, and familiar with the subject of public education, for their views as to the mode of disposing of the fund best calculated to meet the intentions of the testator, and prove most beneficial to mankind. Copies of the circular letter, written in compliance with these directions, and of the answers to it received at the department of state, are herewith communicated for the consideration of Congress.

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## SPECIAL MESSAGE

FEBRUARY 26, 1839.

*To the Senate and House of Representatives:—*

I LAY before Congress several despatches from his excellency the governor of Maine, with enclosures, communicating certain proceedings of the legislature of that state, and a copy of the reply of the secretary of state, made by my direction, together with a note from H. S. Fox, Esq., envoy extraordinary and minister plenipotentiary of Great Britain, with the answer of the secretary of state to the same.

It will appear from these documents, that a numerous band of lawless and desperate men, chiefly from the adjoining British provinces, but without the authority or sanction of the provincial government, had trespassed upon that portion of the territory in dispute between the United States and Great Britain which is watered by the river Aroostook, and claimed to belong to the state of Maine; and that they had committed extensive depredations there, by cutting and destroying a very large quantity of timber. It will further appear that the governor of Maine, having been officially apprized of the circumstances, had communicated it to the legislature, with a recommendation of such provisions, in addition to those already existing by law, as would enable him to arrest the course of said depredations, disperse the trespassers, and secure the timber which they were about carrying away; that, in compliance with a resolve of the legislature, passed in pursuance of his recommendation, his excellency had despatched the land agent of the state, with a force deemed adequate to that purpose, to the scene of the alleged depredations, who, after accomplishing a part of his duty, was seized by a band of the trespassers, at a house claimed to be within the jurisdiction of Maine, whither he had repaired for the purpose of meeting and consulting with the land agent of the province of New Brunswick, and conveyed as a prisoner to Frederickton, in that province, together with two other citizens of the state, who were assisting him in the discharge of his duty.

It will also appear that the governor and legislature of Maine, satisfied that the trespassers had acted in defiance of the laws of both countries, learning that they were in possession of arms, and anticipating (correctly, as the result has proved) that persons of their reckless and desperate character would set at naught the authority of the magistrates, without the aid of strong force, had authorized the sheriff, and the officer appointed in the place of the land agent, to employ, at the expense of the state, an

armed posse, who had proceeded to the scene of these depredations, with a view to the entire dispersion or arrest of the trespassers, and the protection of public property.

In the correspondence between the governor of Maine and Sir John Harvey, lieutenant-governor of the province of New Brunswick, which has grown out of the occurrences, and is likewise herewith communicated, the former is requested to recall the armed party advanced into the disputed territory for the arrest of trespassers, and is informed that a strong body of British troops is to be held in readiness to support and protect the authority and subjects of Great Britain in said territory. In answer to that request, the provincial governor is informed of the determination of the state of Maine to support the land agent and his party, in the performance of their duty; and the same determination, for the execution of which provision is made by a resolve of the state legislature, is communicated by the governor to the general government.

The lieutenant-governor of New Brunswick, in calling upon the governor of Maine for the recall of the land agent and his party from the disputed territory, and the British minister, in making a similar demand upon the government of the United States, proceed upon the assumption that an agreement exists between the two nations, conceding to Great Britain, until the final settlement of the boundary question, exclusive possession of, and jurisdiction over, the territory in dispute. The important bearing which such an agreement, if it existed, would have upon the condition and interests of the parties, and the influence it might have upon the adjustment of the dispute, are too obvious to allow the error upon which this assumption seems to rest, to pass for a moment without correction. The answer of the secretary of state to Mr. Fox's note will show the ground taken by the government of the United States upon this point. It is believed that all the correspondence which has passed between the two governments upon this subject has already been communicated to Congress, and is now on their files. An abstract of it, however, hastily prepared, accompanies this communication. It is possible that in thus abridging a voluminous correspondence, commencing in 1825, and continuing to a very recent period, a portion may have been accidentally overlooked; but it is believed that nothing has taken place which would materially change the aspect of the question as therein presented. Instead of sustaining the assumption of the British functionaries, that correspondence disproves the existence of any such agreement. It shows that the two governments have differed, not only in regard to the main question of title to the territory in dispute, but with reference also to the right of jurisdiction, and the fact of the actual exercise of it in different portions thereof. Always aiming at an amicable adjustment, both parties have entertained, and repeatedly urged upon each other, a desire that each should exercise its rights, whatever it considered them to be, in such a manner as to avoid collision, and allay, to the greatest practicable extent, the excitement likely to grow out of the controversy. It was in pursuance of such an understanding that Maine and Massachusetts, upon the remonstrance of Great Britain, desisted from making sales of lands; and the general government, from the construction of a projected military road in a portion of the territory of which they claimed to have enjoyed the exclusive possession; and that Great Britain, on her part, in deference to a similar remonstrance from the United States, suspended the issue of licenses to cut timber in the territory in controversy, and also the survey and location of

a railroad through a section of country over which she also claimed to have exercised exclusive jurisdiction.

The state of Maine had a right to arrest the depredations complained of; it belonged to her to judge of the exigency of the occasion calling for her interference, and it is presumed, that had the lieutenant-governor of New Brunswick been correctly advised of the nature of the proceedings of the state of Maine, he would not have regarded the transaction as requiring, on his part, any resort to force. Each party claiming a right to the territory, and hence to the exclusive jurisdiction over it, it is manifest that, to prevent the destruction of timber by trespassers, acting against the authority of both, and at the same time avoid forcible collision between the contiguous governments during the pendency of negotiations concerning the title, resort must be to the mutual exercise of jurisdiction in such extreme cases, or to an amicable and temporary arrangement as to the limits within which it should be exercised by each party. The understanding supposed to exist between the United States and Great Britain has been found heretofore sufficient for that purpose, and I believe will prove hereafter, if the parties on the frontier, directly interested in the question, are respectively governed by a just spirit of conciliation and forbearance. If it shall be found, as there is now reason to apprehend, that there is, in the modes of construing that understanding by the two governments, a difference not to be reconciled, I shall not hesitate to propose to her Britannic majesty's government a distinct arrangement for the temporary and mutual exercise of jurisdiction, by means of which similar difficulties may in future be prevented.

But, between an effort on the part of Maine to preserve the property in dispute from destruction by intruders, and a military occupation by that state of the territory, with a view to hold it by force, while the settlement is a subject of negotiation between the two governments, there is an essential difference, as well in respect to the position of the state as to the duties of the general government. In a letter addressed by the secretary of state to the governor of Maine, on the 1st of March last, giving a detailed statement of the steps which had been taken by the federal government to bring the controversy to a termination, and designed to apprise the governor of that state of the views of the federal executive in respect to the future, it was stated, that, while the obligations of the federal government to do all in its power to effect the settlement of the boundary question was fully recognised, it had, in the event of being unable to do so specifically, by mutual consent, no other means to accomplish that object amicably than by another arbitration, or by a commission with an umpire in the nature of an arbitration; and that, in the event of all other measures failing, the president would feel it his duty to submit another proposition to the government of Great Britain to refer the decision of the question to a third power. These are still my views upon the subject; and, until this step shall have been taken, I can not think it proper to invoke the attention of Congress to other than amicable means for the settlement of the controversy, or to cause the military power of the federal government to be brought in aid of the state of Maine, in any attempt to effect the object by a resort to force.

On the other hand, if the authorities of New Brunswick should attempt to enforce the claim of exclusive jurisdiction set up by them, by means of a military occupation on their part, of the disputed territory, I shall feel myself bound to consider the contingency provided by the constitution as

having occurred, on the happening of which a state has the right to call for the aid of the federal government to repel invasion.

I have expressed to the British minister near this government a confident expectation that the agents of the state of Maine, who have been arrested under an obvious misapprehension of a collision with the government or people of the British province, will be voluntarily and peaceably disbanded.

I can not allow myself to doubt that the results anticipated from these representations will be reasonably realized. The parties more immediately interested can not but perceive that an appeal to arms, under existing circumstances, will not only prove fatal to their present interest, but would postpone, if not defeat, the attainment of the main objects which they have in view. The very incidents which have recently occurred will necessarily awaken the governments to the importance of promptly adjusting a dispute by which it is now made manifest that the peace of the two nations is daily and imminently endangered. The expectation is further warranted by the general forbearance which has hitherto characterized the conduct of the governments and people on both sides of the line. In the uniform patriotism of Maine, her attachment to the Union, her respect for the wishes of the people of her sister states (of whose interest in her welfare she can not be unconscious), and in the solicitude felt by the country at large for the preservation of peace with our neighbors, we have a strong guarantee that she will not disregard the request that has been made of her.

As, however, the session of Congress is about to terminate, and the agency of the executive may become necessary during the recess, it is important that the attention of the legislature should be drawn to the important consideration of such measures as may be calculated to obviate the necessity of a call for an extra session. With that view, I have thought it my duty to lay the whole matter before you, and to invite such action thereon as you may think the occasion requires.

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### THIRD ANNUAL MESSAGE.

DECEMBER 24, 1839.

*Fellow-Citizens of the Senate and House of Representatives:—*

I REGRET that I can not, on this occasion, congratulate you that the past year has been one of unalloyed prosperity. The ravages of fire and disease have painfully afflicted otherwise flourishing portions of our country; and serious embarrassments yet derange the trade of many of our cities. But, notwithstanding these adverse circumstances, that general prosperity which has been heretofore so bountifully bestowed upon us by the Author of all good, still continues to call for our warmest gratitude. Especially have we reason to rejoice in the exuberant harvests which have lavishly recompensed well-directed industry, and given to it that sure reward which is vainly sought in visionary speculations. I can not indeed view, without peculiar satisfaction, the evidences afforded by the past season of the benefits that spring from the steady devotion of the husbandman to his honorable pursuit. No means of individual comfort is more certain, and no source of national prosperity is so sure. Nothing can compensate a people for a

dependence upon others for the bread they eat ; and that cheerful abundance on which the happiness of every one so much depends, is to be looked for nowhere with such sure reliance as in the industry of the agriculturist and the bounties of the earth.

With foreign countries, our relations exhibit the same favorable aspect which was presented in my last annual message, and afford continued proof of the wisdom of the pacific, just, and forbearing policy adopted by the first administration of the federal government, and pursued by its successors. The extraordinary powers vested in me by an act of Congress, for the defence of the country in an emergency, considered so far probable as to require that the executive should possess ample means to meet it, have not been exerted. They have, therefore, been attended with no other result than to increase, by the confidence thus reposed in me, my obligations to maintain, with religious exactness, the cardinal principles that govern our intercourse with other nations. Happily, in our pending questions with Great Britain, out of which this unusual grant of authority arose, nothing has occurred to require its exertion ; and as it is about to return to the legislature, I trust that no future necessity may call for its exercise by them, or its delegation to another department of the government.

For the settlement of our northeastern boundary, the proposition promised by Great Britain for a commission of exploration and survey, has been received, and a counter project, including also a provision for the certain and final adjustment of the limits in dispute, is now before the British government for its consideration. A just regard to the delicate state of this question, and a proper respect for the natural impatience of the state of Maine, not less than a conviction that the negotiation has been already protracted longer than is prudent on the part of either government, have led me to believe that the present favorable moment should, on no account, be suffered to pass without putting the question for ever at rest. I feel confident that the government of her Britannic majesty will take the same view of this subject, as I am persuaded it is governed by desires equally strong and sincere for the amicable termination of the controversy.

To the intrinsic difficulties of questions of boundary lines, especially those described in regions unoccupied, and but partially known, is to be added in our country the embarrassment necessarily arising out of our constitution, by which the general government is made the organ of negotiating and deciding upon the particular interests of the states on whose frontiers these lines are to be traced. To avoid another controversy in which a state government might rightfully claim to have her wishes consulted, previously to the conclusion of conventional arrangements concerning her rights of jurisdiction or territory, I have thought it necessary to call the attention of the government of Great Britain to another portion of our contentious dominion, of which the division still remains to be adjusted. I refer to the line from the entrance of Lake Superior to the most northwestern point of the Lake of the Woods, stipulations for the settlement of which are to be found in the seventh article of the treaty of Ghent. The commissioners appointed under that article by the two governments having differed in their opinions, made separate reports, according to its stipulations, upon the points of disagreement, and these differences are now to be submitted to the arbitration of some friendly sovereign or state. The disputed points should be settled, and the line designated, before the territorial government of which it is one of the boundaries, takes its place in the Union



as a state, and I rely upon the cordial co-operation of the British government to effect that object.

There is every reason to believe that disturbances, like those which lately agitated the neighboring British provinces, will not again prove the sources of border contentions, or interpose obstacles to the continuance of that good understanding which it is the mutual interest of Great Britain and the United States to preserve and maintain.

Within the provinces themselves, tranquillity is restored, and on our frontier, that misguided sympathy in favor of what was presumed to be a general effort in behalf of popular rights, and which in some instances misled a few of our more inexperienced citizens, has subsided into a rational conviction strongly opposed to all intermeddling with the internal affairs of our neighbors. The people of the United States feel, as it is hoped they always will, a warm solicitude for the success of all who are sincerely endeavoring to improve the political condition of mankind. This generous feeling they cherish toward the most distant nations; and it was natural, therefore, that it should be awakened with more than common warmth in behalf of their immediate neighbors. But it does not belong to their character, as a community, to seek the gratification of those feelings in acts which violate their duty as citizens, endanger the peace of their country, and tend to bring upon it the stain of a violated faith toward foreign nations. If, zealous to confer benefits on others, they appear for a moment to lose sight of the permanent obligations imposed upon them as citizens, they are seldom long misled. From all the information I receive, confirmed to some extent by personal observation, I am satisfied that no one can now hope to engage in such enterprises without encountering public indignation, in addition to the severest penalties of the law.

Recent information also leads me to hope that the emigrants from her majesty's provinces, who have sought refuge within our boundaries, are disposed to become peaceable residents, and to abstain from all attempts to endanger the peace of that country which has afforded them an asylum. On a review of the occurrences on both sides of the line, it is satisfactory to reflect, that in almost every complaint against our country, the offence may be traced to emigrants from the provinces who have sought refuge here. In the few instances in which they were aided by citizens of the United States, the acts of these misguided men were not only in direct contravention of the laws and well-known wishes of their own government, but met with the decided disapprobation of the people of the United States.

I regret to state the appearance of a different spirit among her majesty's subjects in the Canadas. The sentiments of hostility to our people and institutions which have been so frequently expressed there, and the disregard of our rights which has been manifested on some occasions, have, I am sorry to say, been applauded and encouraged by the people, and even by some of the subordinate local authorities, of the provinces. The chief officers in Canada fortunately have not entertained the same feeling, and have probably prevented excesses that must have been fatal to the peace of the two countries.

I look forward anxiously to a period when all the transactions which have grown out of this condition of our affairs, and which have been made the subjects of complaint and remonstrance by the two governments re-

spectively, shall be fully examined, and the proper satisfaction given where it is due from either side.

Nothing has occurred to disturb the harmony of our intercourse with Austria, Belgium, Denmark, France, Naples, Portugal, Prussia, Russia, or Sweden. The internal state of Spain has sensibly improved, and a well-grounded hope exists that the return of peace will restore to the people of that country their former prosperity, and enable the government to fulfil all its obligations at home and abroad. The government of Portugal, I have the satisfaction to state, has paid in full the eleventh and last instalment due to our citizens for the claims embraced in the settlement made with it on the 3d of March, 1837.

I lay before you treaties of commerce negotiated with the kings of Sardinia and of the Netherlands, the ratifications of which have been exchanged since the adjournment of Congress. The liberal principles of these treaties will recommend them to your approbation. That with Sardinia is the first treaty of commerce formed by that kingdom, and it will, I trust, answer the expectations of the present sovereign, by aiding the development of the resources of his country, and stimulating the enterprise of his people. That with the Netherlands happily terminates a long-existing subject of dispute, and removes from our future commercial intercourse all apprehension of embarrassment. The king of the Netherlands has also, in further illustration of his character for justice, and of his desire to remove every cause of dissatisfaction, made compensation for an American vessel captured in 1800 by a French privateer, and carried into Curaçoa, where the proceeds were appropriated to the use of the colony, then, and for a short time after, under the dominion of Holland.

The death of the late sultan has produced no alteration in our relations with Turkey. Our newly-appointed minister resident has reached Constantinople, and I have received assurances from the present ruler that the obligations of our treaty and those of friendship will be fulfilled by himself in the same spirit that actuated his illustrious father.

I regret to be obliged to inform you that no convention for the settlement of the claims of our citizens upon Mexico has yet been ratified by the government of that country. The first convention formed for that purpose was not presented by the president of Mexico for the approbation of its Congress, from a belief that the king of Prussia, the arbitrator in case of disagreement in the joint commission to be appointed by the United States and Mexico, would not consent to take upon himself that friendly office. Although not entirely satisfied with the course pursued by Mexico, I felt no hesitation in receiving in the most conciliatory spirit the explanation offered, and also cheerfully consented to a new convention, in order to arrange the payments proposed to be made to our citizens in a manner which, while equally just to them, was deemed less onerous and inconvenient to the Mexican government. Relying confidently upon the intentions of that government, Mr. Ellis was directed to repair to Mexico, and diplomatic intercourse has been resumed between the two countries. The new convention has, he informs us, been recently submitted by the president of that republic to its Congress, under circumstances which promise a speedy ratification; a result which I can not allow myself to doubt.

Instructions have been given to the commissioner of the United States under our convention with Texas, for the demarcation of the line which separates us from that republic. The commissioners of both governments

met in New Orleans in August last. The joint commission was organized and adjourned to convene at the same place on the 12th of October. It is presumed to be now in the performance of its duties.

The new government of Texas has shown its desire to cultivate friendly relations with us, by a prompt reparation for injuries complained of in the cases of two vessels of the United States.

With Central America a convention has been concluded for the renewal of its former treaty with the United States. This was not ratified before the departure of our late chargé d'affaires from that country, and the copy of it brought by him was not received before the adjournment of the senate at its last session. In the meanwhile, the period limited for the exchange of ratifications having expired, I deemed it expedient, in consequence of the death of the chargé d'affaires, to send a special agent to Central America, to close the affairs of our mission there, and to arrange with the government an extension of the time for the exchange of ratifications.

The commission created by the states which formerly composed the republic of Colombia, for adjusting the claims against that government, has, by a very unexpected construction of the treaty under which it acts, decided that no provision was made for those claims of citizens of the United States which arose from captures by Colombian privateers, and were adjudged against the claimants in the judicial tribunals. This decision will compel the United States to apply to the several governments formerly united for redress. With all these—New Grenada, Venezuela, and Ecuador—a perfectly good understanding exists. Our treaty with Venezuela is faithfully carried into execution, and that country, in the enjoyment of tranquillity, is gradually advancing to prosperity under the guidance of its present distinguished president, General Paez. With Ecuador, a liberal commercial convention has lately been concluded, which will be transmitted to the senate at an early day.

With the great American empire of Brazil our relations continue unchanged, as does our friendly intercourse with the other governments of South America—the Argentine republic, and the republics of Uruguay, Chili, Peru, and Bolivia. The dissolution of the Peru-Bolivian confederation may occasion some temporary inconvenience to our citizens in that quarter, but the obligations on the new governments which have arisen out of that confederation, to observe its treaty stipulations, will no doubt be soon understood, and it is presumed that no indisposition will exist to fulfil those which it contracted with the United States.

The financial operations of the government during the present year have, I am happy to say, been very successful. The difficulties under which the treasury department has labored, from known defects in the existing laws relative to the safekeeping of the public moneys, aggravated by the suspension of specie payments by several of the banks holding public deposits, or indebted to public officers for notes received in payment of public dues, have been surmounted to a very gratifying extent. The large current expenditures have been punctually met, and the faith of the government in all its pecuniary concerns has been scrupulously maintained.

The nineteen millions of treasury-notes authorized by the act of Congress of 1837, and the modifications thereof, with a view to the indulgence of merchants on their duty bonds, and of the deposit banks in the payment of public moneys held by them, have been so punctually redeemed

as to leave less than the original ten millions outstanding at any one time, and the whole amount unredeemed now falls short of three millions. Of these, the chief portion is not due till next year, and the whole would have been already extinguished, could the treasury have realized the payments due to it from the banks. If those due from them during the next year, shall be punctually made, and if Congress shall keep the appropriations within the estimates, there is every reason to believe that all the outstanding treasury-notes can be redeemed, and the ordinary expenses defrayed, without imposing on the people any additional burden, either of loans or increased taxes. To avoid this, and to keep the expenditures within reasonable bounds, is a duty, second only in importance to the preservation of our national character, and the protection of our citizens in their civil and political rights. The creation, in time of peace, of a debt likely to become permanent, is an evil for which there is no equivalent. The rapidity with which many of the states are apparently approaching to this condition, admonishes us of our own duties, in a manner too impressive to be disregarded. One, not the least important, is to keep the federal government always in a condition to discharge with ease and vigor its highest functions, should their exercise be required by any sudden conjuncture of public affairs—a condition to which we are always exposed, and which may occur when least expected. To this end, it is indispensable that its finances should be untrammelled, and its resources, as far as practicable, unincumbered. No circumstance could present greater obstacles to the accomplishment of these vitally important objects, than the creation of an onerous national debt. Our own experience, and also that of other nations, has demonstrated the unavoidable and fearful rapidity with which a public debt is increased, when the government has once surrendered itself to the ruinous practice of supplying its supposed necessities by new loans. The struggle, therefore, on our part, to be successful, must be made at the threshold. To make our efforts effective, severe economy is necessary. This is the surest provision for the national welfare; and it is, at the same time, the best preservative of the principles on which our institutions rest. Simplicity and economy in the affairs of state have never failed to chasten and invigorate republican principles, while these have been as surely subverted by national prodigality, under whatever specious pretext it may have been introduced or fostered.

These considerations can not be lost upon a people who have never been inattentive to the effect of their policy upon the institutions they have created for themselves; but at the present moment their force is augmented by the necessity which a decreasing revenue must impose. The check lately given to importations of articles subject to duties, the derangements in the operations of internal trade, and especially the reduction gradually taking place in our tariff of duties, all tend materially to lessen our receipts; indeed, it is probable that the diminution resulting from the last cause alone, will not fall far short of five millions of dollars in the year 1842, as the final reduction of all duties to twenty per cent. then takes effect. The whole revenue then accruing from the customs, and from the sales of public lands, if not more, will undoubtedly be wanted to defray the necessary expenses of the government under the most prudent administration of its affairs. These are circumstances that impose the necessity of rigid economy, and require its prompt and constant exercise. With the legislature rest the power and duty of so adjusting the public

expenditure as to promote this end. By the provisions of the constitution, it is only in consequence of appropriations made by law, that money can be drawn from the treasury; no instance has occurred since the establishment of the government in which the executive, though a component part of the legislative power, has interposed an objection to an appropriation bill on the sole ground of its extravagance. His duty in this respect has been considered as fulfilled by requesting such appropriations only as the public service may be reasonably expected to require. In the present earnest direction of the public mind toward this subject, both the executive and the legislature have evidence of the strict responsibility to which they will be held; and while I am conscious of my own anxious efforts to perform with fidelity this portion of my public functions, it is a satisfaction to me to be able to count on a cordial co-operation from you.

At the time I entered upon my present duties, our ordinary disbursements—without including those on account of the public debt, the post-office, and the trust funds in charge of the government—had been largely increased by appropriations for the removal of the Indians, for repelling Indian hostilities, and for other less urgent expenses which grew out of an overflowing treasury. Independent of the redemption of the public debt and trusts, the gross expenditures of seventeen and eighteen millions in 1834 and 1835, had, by these causes, swelled to twenty-nine millions in 1836, and the appropriations for 1837, made previously to the 4th of March, caused the expenditures to rise to the very large amount of thirty-three millions. We were enabled during the year 1838, notwithstanding the continuance of our Indian embarrassments, somewhat to reduce this amount; and that for the present year, 1839, will not, in all probability, exceed twenty-six millions—or six millions less than it was last year. With a determination, so far as depends on me, to continue this reduction, I have directed the estimates for 1840 to be subjected to the severest scrutiny, and to be limited to the absolute requirements of the public service. They will be found less than the expenditures of 1839, by over five millions of dollars.

The precautionary measures which will be recommended by the secretary of the treasury, to protect faithfully the public credit under the fluctuations and contingencies to which our receipts and expenditures are exposed, and especially in a commercial crisis like the present, are commended to your early attention.

On a former occasion your attention was invited to various considerations in support of a pre-emption law in behalf of the settlers on the public lands; and also of a law graduating the prices for such lands as had been long in the market unsold, in consequence of their inferior quality. The execution of the act which was passed on the first subject has been attended with the happiest consequences, in quieting titles, and securing improvements to the industrious; and it has also, to a very gratifying extent, been exempt from the frauds which were practised under previous pre-emption laws. It has, at the same time, as was anticipated, contributed liberally during the present year to the receipts of the treasury.

The passage of a graduation law, with the guards before recommended, would also, I am persuaded, add considerably to the revenue for several years, and prove in other respects just and beneficial.

Your early consideration of the subject is therefore once more earnestly requested.

The present condition of the defences of our principal seaports and navy-

yards, as represented by the accompanying report of the secretary of war, calls for the early and serious attention of Congress; and, as connecting itself intimately with this subject, I can not recommend too strongly to your consideration the plan submitted by that officer for the organization of the militia of the United States.

In conformity with the expressed wishes of Congress, an attempt was made in the spring to terminate the Florida war by negotiation. It is to be regretted that these humane intentions should have been frustrated, and that the effort to bring these unhappy difficulties to a satisfactory conclusion should have failed. But after entering into solemn engagements with the commanding general, the Indians, without any provocation, recommenced their acts of treachery and murder. The renewal of hostilities in that territory renders it necessary that I should recommend to your favorable consideration the plan which will be submitted to you by the secretary of war, in order to enable that department to conduct them to a successful issue.

Having had an opportunity of personally inspecting a portion of the troops during the last summer, it gives me pleasure to bear testimony to the success of the effort to improve their discipline, by keeping them together in as large bodies as the nature of our service will permit. I recommend, therefore, that commodious and permanent barracks be constructed at the several posts designated by the secretary of war. Notwithstanding the high state of their discipline and excellent police, the evils resulting to the service, from the deficiency of company-officers, were very apparent, and I recommend that the staff-officers be permanently separated from the line.

The navy has been usefully and honorably employed in protecting the rights and property of our citizens, wherever the condition of affairs seemed to require its presence. With the exception of one instance, where an outrage, accompanied by murder, was committed on a vessel of the United States while engaged in a lawful commerce, nothing is known to have occurred to impede or molest the enterprise of our citizens on that element where it is so signally displayed. On learning this daring act of piracy, Commodore Reed proceeded immediately to the spot, and receiving no satisfaction, either in the surrender of the murderers, or the restoration of the plundered property, inflicted severe and merited chastisement on the barbarians.

It will be seen by the report of the secretary of the navy respecting the disposition of our ships-of-war, that it has been deemed necessary to station a competent force on the coast of Africa, to prevent a fraudulent use of our flag by foreigners.

Recent experience has shown that the provisions in our existing laws which relate to the sale and transfer of American vessels while abroad, are extremely defective. Advantage has been taken of these defects to give to vessels wholly belonging to foreigners, and navigating the ocean, an apparent American ownership. This character has been so well simulated as to afford them comparative security in prosecuting the slave-trade—a traffic emphatically denounced in our statutes, regarded with abhorrence by our citizens, and of which the effectual suppression is nowhere more sincerely desired than in the United States. These circumstances make it proper to recommend to your early attention a careful revision of these laws, so that, without impeding the freedom and facilities of our navigation, or impairing an important branch of our industry connected

with it, the integrity and honor of our flag may be carefully preserved. Information from our consul at Havana, showing the necessity of this, was communicated to a committee of the senate, near the close of the last session, but too late, as it appeared, to be acted upon. It will be brought to your notice by the proper department, with additional communications from other sources.

The latest accounts from the exploring expedition represent it as proceeding successfully in its objects, and promising results no less useful to trade and navigation than to science.

The extent of postroads covered by mail service on the first of July last was about one hundred and thirty-three thousand nine hundred and ninety-nine miles, and the rate of annual transportation upon them thirty-four millions four hundred and ninety-six thousand eight hundred and seventy-eight miles. The number of postoffices on that day was twelve thousand seven hundred and eighty; and on the 30th ultimo, thirteen thousand and twenty-eight.

The revenue of the postoffice department for the year ending with the 30th June last, was four millions four hundred and seventy-six thousand six hundred and thirty-eight dollars—exhibiting an increase over the preceding year of two hundred and forty-one thousand five hundred and sixty dollars. The engagements and liabilities of the department, for the same period, are four millions six hundred and twenty-four thousand one hundred and seventeen dollars.

The excess of liabilities over the revenue for the last two years has been met out of the surplus which had previously accumulated. The cash on hand, on the 30th ultimo, was about two hundred and six thousand seven hundred and one dollars and ninety-five cents, and the current income of the department varies very little from the rate of current expenditures. Most of the service suspended last year has been restored, and most of the new routes established by the act of 7th July, 1838, have been set in operation at an annual cost of one hundred and thirty-six thousand nine hundred and sixty-three dollars. Notwithstanding the pecuniary difficulties of the country, the revenue of the department appears to be increasing; and unless it shall be seriously checked by the recent suspension of payment by so many of the banks, it will be able, not only to retain the present mail service, but in a short time to extend it. It is gratifying to witness the promptitude and fidelity with which the agents of this department in general perform their public duties.

Some difficulties have arisen in relation to contracts for the transportation of the mails by railroad and steamboat companies. It appears that the maximum of compensation provided by Congress for the transportation of the mails upon railroads is not sufficient to induce some of the companies to convey them at such hours as are required for the accommodation of the public. It is one of the most important duties of the general government to provide and maintain for the people of the states, the best practicable mail establishment. To arrive at that end, it is indispensable that the postoffice department shall be enabled to control the hours at which the mails shall be carried over railroads as it now does over all other roads. Should serious inconveniences arise from the inadequacy of the compensation now provided by law, or by unreasonable demands from any of the railroad companies, the subject is of such general importance as to require the prompt attention of Congress.

In relation to steamboat lines, the most efficient remedy is obvious, and has been suggested by the postmaster-general.

The war and navy departments already employ steamboats in their service; and, although it is by no means desirable that the government should undertake the transportation of passengers or freight as a business, there can be no reasonable objection to running boats, temporarily, whenever it may be necessary to put down attempts at extortion, to be discontinued as soon as reasonable contracts can be obtained.

The suggestions of the postmaster-general relative to the inadequacy of the legal allowance to witnesses in cases of prosecutions for mail depredations, merit your serious consideration. The safety of the mails require that such prosecutions shall be efficient, and justice to the citizen, whose time is required to be given to the public, demands not only that his expenses shall be paid, but that he shall receive a reasonable compensation.

The reports from the war, navy, and postoffice departments, will accompany this communication, and one from the treasury department will be presented to Congress in a few days.

For various details in respect to the matters in charge of these departments, I would refer you to those important documents, satisfied that you will find in them many valuable suggestions, which will be found well deserving the attention of the legislature.

From a report made in December of last year by the secretary of state, to the senate, showing the trial docket of each of the circuit courts, and the number of miles each judge has to travel in the performance of his duties, a great inequality appears in the amount of labor assigned to each judge. The number of terms to be held in each of the courts composing the ninth circuit, the distances between the places at which they sit, and thence to the seat of government, are represented to be such as to render it impossible for the judge of that circuit to perform, in a manner corresponding with the public exigencies, his term and circuit duties. A revision, therefore, of the present arrangement of the circuit seems to be called for, and is recommended to your notice.

I think it proper to call your attention to the power assumed by territorial legislatures to authorize the issue of bonds by corporate companies on the guarantee of the territory. Congress passed a law in 1836, providing that no act of a territorial legislature incorporating banks should have the force of law until approved by Congress; but acts of a very exceptionable character previously passed by the legislature of Florida, were suffered to remain in force, by virtue of which bonds may be issued to a very large amount by those institutions, upon the faith of the territory. A resolution, intended to be a joint one, passed the senate at the same session, expressing the sense of Congress that the laws in question ought not to be permitted to remain in force unless amended in many material respects; but it failed in the house of representatives for want of time, and the desired amendments have not been made. The interests involved are of great importance, and the subject deserves your early and careful attention.

The continued agitation of the question relative to the best mode of keeping and disbursing the public money, still injuriously affects the business of the country. The suspension of specie payments in 1837 rendered the use of deposit banks, as prescribed by the act of 1836, a source rather of embarrassment than aid, and of necessity placed the custody of most



of the public money afterward collected in charge of the public officers. The new securities for its safety, which this required, were a principal cause of my convening an extra session of Congress; but in consequence of a disagreement between the two houses, neither then, nor at any subsequent period, has there been any legislation on the subject. The effort made at the last session to obtain the authority of Congress to punish the use of public money for private purposes as a crime, a measure attended under other governments with signal advantage, was also unsuccessful, from diversities of opinion in that body, notwithstanding the anxiety doubtless felt by it to afford every practicable security. The result of this is, still to leave the custody of the public money without those safeguards which have been for several years earnestly desired by the executive; and as the remedy is only to be found in the action of the legislature, it imposes on me the duty of again submitting to you the propriety of passing a law, providing for the safekeeping of the public moneys, and especially to ask that its use for private purposes by any officers intrusted with it, may be declared to be a felony, punishable with penalties proportioned to the magnitude of the offence.

These circumstances, added to known defects in the existing laws, and unusual derangement in the general operations of trade, have, during the last three years, much increased the difficulties attendant on the collection, keeping, and disbursement of the revenue, and called forth corresponding exertions from those having them in charge. Happily, these have been successful beyond expectation. Vast sums have been collected and disbursed by the several departments with unexpected cheapness and ease; transfers have been readily made to every part of the Union, however distant; and defalcations have been far less than might have been anticipated, from the absence of adequate legal restraints. Since the officers of the treasury and postoffice departments were charged with the custody of most of the public moneys, there have been collected sixty-six millions of dollars, and, excluding the case of the late collector at New York, the aggregate amount of losses sustained in the collection can not, it is believed, exceed sixty thousand dollars. The defalcation of the late collector of that city, of the extent and circumstances of which Congress has been fully informed, ran through all the modes of keeping the public money that have been hitherto in use, and was distinguished by an aggravated disregard of duty, that broke through the restraints of every system, and can not, therefore, be usefully referred to as a test of the comparative safety of either.

Additional information will also be furnished by the report of the secretary, in reply to a call made upon that officer by the house of representatives at the last session, requiring detailed information on the subject of defaults, by public officers or agents, under each administration, from 1789 to 1837. This document will be submitted to you in a few days. The general results (independent of the postoffice, which is kept separately, and will be stated by itself), so far as they bear upon this subject, are, that the losses which have been, and are likely to be, sustained by any class of agents have been—the greatest by banks, including, as required in the resolution, their depreciated paper received for public dues; that the next largest have been by disbursing officers, and the least by collectors and receivers. If the losses on duty bonds are included, they will alone be threefold those by both collectors and receivers. Our whole experience, therefore, furnishes the strongest evidence that the de-

sired legislation of Congress is alone wanting to insure in those operations the highest degree of security and facility. Such also appears to have been the experience of other nations. From the results of inquiries made by the secretary of the treasury in regard to the practice among them, I am enabled to state that, in twenty-two out of twenty-seven foreign governments, from which undoubted information has been obtained, the public moneys have been kept in charge of public officers. This concurrence of opinion in favor of that system is perhaps as great as exists on any question of internal administration.

In the modes of business and official restraints on disbursing officers, no legal change was produced by the suspension of specie payments. The report last referred to will be found to contain also much useful information in relation to this subject.

I have heretofore assigned to Congress my reasons for believing that the establishment of an independent national treasury, as contemplated by the constitution, is necessary to the safe action of the federal government. The suspension of specie payments in 1837, by the banks having the custody of the public money, showed, in so alarming a degree, our dependence on those institutions for the performance of duties required by law, that I then recommended the entire dissolution of that connexion. This recommendation has been subjected, as I desired it should be, to severe scrutiny and animated discussion; and I allow myself to believe that, notwithstanding the natural diversities of opinion which may be anticipated on all subjects involving such important considerations, it has secured in its favor as general a concurrence of public sentiment as could be expected on one of such magnitude.

Recent events have also continued to develop new objections to such a connexion. Seldom is any bank, under the existing system and practice, able to meet, on demand, all its liabilities for deposits and notes in circulation. It maintains specie payments, and transacts a profitable business, only by the confidence of the public in its solvency; and whenever this is destroyed, the demands of its depositors and note-holders—pressed more rapidly than it can make collections from its debtors—force it to stop payment. This loss of confidence, with its consequences, occurred in 1837, and afforded the apology of the banks for their suspension. The public then acquiesced in the validity of the excuse; and while the state legislatures did not exact from them their forfeited charters, Congress, in accordance with the recommendation of the executive, allowed them time to pay over the public money they held, although compelled to issue treasury-notes to supply the deficiencies thus created.

It now appears that there are other motives than a want of public confidence under which the banks seek to justify themselves in a refusal to meet their obligations. Scarcely were the country and government relieved, in a degree, from the difficulties occasioned by the general suspension of 1837, when a partial one, occurring within thirty months of the former, produced new and serious embarrassments, though it had no palliation in such circumstances as were alleged in justification of that which had previously taken place. There was nothing in the condition of the country to endanger a well-managed banking institution; commerce was deranged by no foreign war; every branch of manufacturing industry was crowned with rich rewards; and the more than usual abundance of our harvests, after supplying our domestic wants, had left our granaries and storehouses filled with a surplus for exportation. It is in the midst

of this, that an irredeemable and depreciated paper currency is entailed upon the people by a large portion of the banks. They are not driven to it by the exhibition of a loss of public confidence, or of a sudden pressure from their depositors or note-holders; but they excuse themselves by alleging that the current of business, and exchange with foreign countries, which draws the precious metals from their vaults, would require, in order to meet it, a larger curtailment of their loans to a comparatively small portion of the community, than it will be convenient for them to bear, or perhaps safe for the banks to exact. The plea has ceased to be one of necessity. Convenience and policy are now deemed sufficient to warrant these institutions in disregarding their solemn obligations. Such conduct is not merely an injury to individual creditors, but it is a wrong to the whole community, from whose liberality they hold most valuable privileges—whose rights they violate, whose business they derange, and the value of whose property they render unstable and insecure. It must be evident that this new ground for bank suspensions, in reference to which their action is not only disconnected with, but wholly independent of, that of the public, gives a character to their suspensions more alarming than any which they exhibited before, and greatly increases the impropriety of relying on the banks in the transactions of the government.

A large and highly respectable portion of the banking institutions are, it affords me unfeigned pleasure to state, exempted from all blame on account of this second delinquency. They have, to their great credit, not only continued to meet their engagements, but have even repudiated the grounds of suspension now resorted to. It is only by such a course that the confidence and good-will of the community can be preserved, and, in the sequel, the best interests of the institutions themselves promoted.

New dangers to the banks are also daily disclosed from the extension of that system of extravagant credit of which they are the pillars. Formerly our foreign commerce was principally founded on an exchange of commodities, including the precious metals, and leaving in its transactions but little foreign debt. Such is not now the case. Aided by the facilities afforded by the banks, mere credit has become too commonly the basis of trade. Many of the banks themselves, not content with largely stimulating this system among others, have usurped the business, while they impair the stability, of the mercantile community; they have become borrowers instead of lenders; they establish their agencies abroad; they deal largely in stocks and merchandise; they encourage the issue of state securities until the foreign market is glutted with them; and, unsatisfied with the legitimate use of their own capital and the exercise of their lawful privileges, they raise, by large loans, additional means for every variety of speculation. The disasters attendant on this deviation from the former course of business in this country, are now shared alike by banks and individuals, to an extent of which there is perhaps no previous example in the annals of our country. So long as a willingness of the foreign lender, and a sufficient export of our productions to meet any necessary partial payments, leave the flow of credit undisturbed, all appears to be prosperous; but as soon as it is checked by any hesitation abroad, or by an inability to make payment there in our productions, the evils of the system are disclosed. The paper currency, which might serve for domestic purposes, is useless to pay the debt due in Europe. Gold and silver are therefore drawn, in exchange for their notes, from the banks. To keep up their supply of coin, these institutions are obliged to call upon

their own debtors, who pay them principally in their own notes, which are as unavailable to them as they are to the merchants to meet the foreign demand. The calls of the banks, therefore, in such emergencies, of necessity exceed that demand, and produce a corresponding curtailment of their accommodations and of the currency, at the very moment when the state of trade renders it most inconvenient to be borne. The intensity of this pressure on the community is in proportion to the previous liberality of credit and consequent expansion of the currency. Forced sales of property are made at the time when the means of purchasing are most reduced, and the worst calamities to individuals are only at last arrested by an open violation of their obligations by the banks, a refusal to pay specie for their notes, and an imposition upon the community of a fluctuating and depreciated currency.

These consequences are inherent in the present system. They are not influenced by the banks being large or small, created by national or state governments. They are the results of the irresistible laws of trade or credit. In the recent events which have so strikingly illustrated the certain effects of these laws, we have seen the bank on the largest capital in the Union, established under a national charter, and lately strengthened, as we were authoritatively informed, by exchanging that for a state charter, with new and useful privileges—in a condition, too, as it was said, of entire soundness and great prosperity—not merely unable to resist these effects, but the first to yield to them.

Nor is it to be overlooked that there exists a chain of necessary dependence among these institutions which obliges them, to a great extent, to follow the course of others, notwithstanding its injustice to their own immediate creditors, or injury to the particular community in which they are placed. This dependence of a bank, which is in proportion to the extent of its debts for circulation and deposits, is not merely on others in its own vicinity, but on all those which connect it with the centre of trade. Distant banks may fail, without seriously affecting those in our principal commercial cities; but the failure of the latter is felt at the extremities of the Union. The suspension at New York, in 1837, was everywhere, with very few exceptions, followed, as soon as it was known; that recently at Philadelphia immediately affected the banks of the south and west in a similar manner. This dependence of our whole banking system on the institutions in a few large cities is not found in the laws of their organization, but in those of trade and exchange. The banks at that centre to which currency flows, and where it is required in payments for merchandise, hold the power of controlling those in regions whence it comes, while the latter possess no means of restraining them; so that the value of individual property, and the prosperity of trade, through the whole interior of the country, are made to depend on the good or bad management of the banking institutions in the great seats of trade on the seaboard.

But this chain of dependence does not stop here. It does not terminate at Philadelphia or New York. It reaches across the ocean and ends in London, the centre of the credit system. The same laws of trade, which give to the banks in our principal cities power over the whole banking system of the United States, subject the former, in their turn, to the money power in Great Britain. It is not denied that the suspension of the New York banks in 1837, which was followed in quick succession throughout the Union was produced by an application of that power; and

it is now alleged, in extenuation of the present condition of so large a portion of our banks, that their embarrassments have arisen from the same cause.

From this influence they can not now entirely escape, for it has its origin in the credit currency of the two countries; it is strengthened by the current of trade and exchange, which centres in London, and is rendered almost irresistible by the large debts contracted there by our merchants, our banks, and our states. It is thus that an introduction of a new bank into the most distant of our villages, places the business of that village within the influence of the money power in England. It is thus that every new debt which we contract in that country, seriously affects our own currency, and extends over the pursuits of our country its powerful influence. We can not escape from this by making new banks, great or small, state or national. The same chains which bind those now existing to the centre of this system of paper credit, must equally fetter every similar institution we create. It is only by the extent to which this system has been pushed of late, that we have been made fully aware of its irresistible tendency to subject our own banks and currency to a vast controlling power in a foreign land; and it adds a new argument to those which illustrate their precarious situation. Endangered in the first place by their own mismanagement, and again by the conduct of every institution which connects them with the centre of trade in our own country, they are yet subjected, beyond all this, to the effect of whatever measures policy, necessity, or caprice, may induce those who control the credits of England to resort to.

I mean not to comment upon these measures, present or past, and much less to discourage the prosecution of fair commercial dealing between the two countries, based on reciprocal benefits; but it having now been made manifest that the power of inflicting these and similar injuries is, by the resistless law of a credit currency and credit trade, equally capable of extending their consequences through all the ramifications of our banking system, and by that means indirectly obtaining, particularly when our banks are used as depositaries of the public moneys, a dangerous political influence in the United States, I have deemed it my duty to bring the subject to your notice, and ask for it your serious consideration.

Is an argument required beyond the exposition of these facts, to show the impropriety of using our banking institutions as depositaries of the public money? Can we venture, not only to encounter the risk of their individual and mutual mismanagement, but, at the same time, to place our foreign and domestic policy entirely under the control of a foreign moneyed interest? To do so is to impair the independence of our government, as the present credit system has already impaired the independence of our banks. It is to submit all its important operations, whether of peace or war, to be controlled or thwarted at first by our own banks, and then by a power abroad greater than themselves. I can not bring myself to depict the humiliation to which this government and people might be sooner or later reduced, if the means for defending their rights are to be made dependent upon those who may have the most powerful of motives to impair them.

Nor is it only in reference to the effect of this state of things on the independence of our government or of our banks, that the subject presents itself for consideration: it is to be viewed also in its relation to the general trade of our country. The time is not long passed when a deficiency

of foreign crops was thought to afford a profitable market for the surplus of our industry ; but now we await with a feverish anxiety the news of the English harvest, not so much from motives of commendable sympathy, but fearful lest its anticipated failure should narrow the field of credit there. Does not this speak volumes to the patriot ? Can a system be beneficent, wise, or just, which creates greater anxiety for interests dependent on foreign credit, than for the general prosperity of our own country, and the profitable exportation of the surplus produce of our labor ?

The circumstances to which I have thus adverted appear to me to afford weighty reasons, developed by late events, to be added to those which I have on former occasions offered, when submitting to your better knowledge and discernment the propriety of separating the custody of the public money from banking institutions. Nor has anything occurred to lessen, in my opinion, the force of what has been heretofore urged. The only ground on which that custody can be desired by the banks is the profitable use which they may make of the money. Such use would be regarded in individuals as a breach of trust, or a crime of great magnitude ; and yet it may be reasonably doubted whether, first and last, it is not attended with more mischievous consequences when permitted to the former than to the latter. The practice of permitting the public money to be used by its keepers, as here, is believed to be peculiar to this country, and to exist scarcely anywhere else. To procure it here, improper influences are appealed to : unwise connexions are established between the government and vast numbers of powerful state institutions ; other motives than the public good are brought to bear both on the executive and legislative departments, and selfish combinations, leading to special legislation, are formed. It is made the interest of banking institutions, and their stockholders throughout the Union, to use their exertions for the increase of taxation and the accumulation of a surplus revenue ; and, while an excuse is afforded, the means are furnished for those excessive issues which lead to extravagant trade and speculation, and are forerunners of a vast debt abroad and the suspension of the banks at home.

Impressed, therefore, as I am, with the propriety of the funds of the government being withdrawn from the private use of either banks or individuals, and the public money kept by duly-appointed public agents ; and believing, as I do, that such also is the judgment which discussion, reflection, and experience, have produced on the public mind, I leave the subject with you. It is, at all events, essential to the interests of the community, and the business of the government, that a decision should be made.

Most of the arguments that dissuade us from employing banks, in the custody and disbursement of the public money, apply with equal force to the receipts of their notes for public dues. The difference is only in form. In one instance, the government is a creditor for its deposits ; and in the other, for the notes it holds. They afford the same opportunity for using the public moneys, and equally lead to all the evils attendant upon it, since a bank can as safely extend its discounts on a deposit of its notes in the hands of a public officer as on one made in its own vaults. On the other hand, it would give to the government no greater security ; for, in case of failure, the claim of the note-holder would be no better than that of a depositor.

I am aware that the danger of inconvenience to the public, and unreasonable pressure upon sound banks, have been urged as objections to

requiring the payment of the revenue in gold and silver. These objections have been greatly exaggerated. From the best estimates, we may safely fix the amount of specie in the country at eighty-five millions of dollars, and the portion of that which would be employed at any one time in the receipts and disbursements of the government, even if the proposed change were made at once, would not, it is now, after fuller investigation, believed, exceed four or five millions. If the change were gradual, several years would elapse before that sum would be required, with annual opportunities in the meantime to alter the law, should experience prove it to be oppressive or inconvenient. The portions of the community on whose business the change would immediately operate are comparatively small, nor is it believed that its effect would be in the least unjust or injurious to them.

In the payment of duties, which constitute by far the greater portion of the revenue, a very large proportion is derived from foreign commission-houses and agents of foreign manufacturers, who sell the goods consigned to them, generally, at auction, and, after paying the duties out of the avails, remit the rest abroad in specie or its equivalent. That the amount of duties should, in such cases, be also retained in specie, can hardly be a matter of complaint. Our own importing merchants, by whom the residue of the duties is paid, are not only peculiarly interested in maintaining a sound currency, which the measure in question will especially promote, but are, from the nature of their dealings, best able to know when specie will be needed, and to procure it with the least difficulty or sacrifice. Residing, too, almost universally in places where the revenue is received, and where the drafts used by the government for its disbursements must concentrate, they have every opportunity to obtain and use them in place of specie, should it be for their interest or convenience. Of the number of these drafts, and the facilities they may afford, as well as of the rapidity with which the public funds are drawn and disbursed, an idea may be formed from the fact that, of nearly twenty millions of dollars paid to collectors and receivers during the present year, the average amount in their hands at any one time has not exceeded a million and a half; and of the fifteen millions received by the collector of New York alone during the present year, the average amount held by him, subject to draft during each week, has been less than half a million.

The ease and safety of the operations of the treasury in keeping the public money are promoted by the application of its own drafts for the public dues. The objection arising from having them too long outstanding might be obviated, and they yet made to afford to merchants and banks holding them an equivalent for specie, and in that way greatly lessen the amount actually required. Still less inconvenience will attend the requirement of specie in purchases of public lands. Such purchases, except when made on speculation, are in general but single transactions, rarely repeated by the same person; and it is a fact that, for the last year and a half, during which the notes of sound banks have been received, more than a moiety of these payments has been voluntarily made in specie, being a larger proportion than would have been required in three years under the graduation proposed.

It is, moreover, a principle, than which none is better settled by experience, that the supply of the precious metals will always be found adequate to the uses for which they are required. They abound in countries where no other currency is allowed. In our own states, where small

notes are excluded, gold and silver supply their place. When driven to their hiding-places by bank suspensions, a little firmness in the community soon restores them in a sufficient quantity for ordinary purposes. Postage and other public dues have been collected in coin, without serious inconvenience, even in states where a depreciated paper currency has existed for years ; and this, with the aid of treasury-notes for a part of the time, was done without interruption during the suspension of 1837. At the present moment, the receipts and disbursements of the government are made in legal currency in the largest portion of the Union. No one suggests a departure from this rule ; and if it can now be successfully carried out, it will be surely attended with even less difficulty when bank-notes are again redeemed in specie.

Indeed, I can not think that a serious objection would anywhere be raised to the receipt and payment of gold and silver in all public transactions, were it not from an apprehension that a surplus in the treasury might withdraw a large portion of it from circulation, and lock it up unprofitably in the public vaults. It would not, in my opinion, be difficult to prevent such an inconvenience from occurring ; but the authentic statements which I have already submitted to you in regard to the actual amount in the public treasury at any one time during the period embraced in them, and the little probability of a different state of the treasury, for at least some years to come, seem to render it unnecessary to dwell upon it. Congress, moreover, as I have before observed, will, in every year, have an opportunity to guard against it, should the occurrence of any circumstances lead us to apprehend injury from this source. Viewing the subject in all its aspects, I can not believe that any period will be more auspicious than the present for the adoption of all measures necessary to maintain the sanctity of our own engagements, and to aid in securing to the community that abundant supply of the precious metals which adds so much to their prosperity, and gives such increased stability to all their dealings.

In a country so commercial as ours, banks in some form will probably always exist ; but this serves only to render it the more incumbent on us, notwithstanding the discouragements of the past, to strive in our respective stations to mitigate the evils they produce : to take from them as rapidly as the obligations of public faith and a careful consideration of the immediate interests of the community will permit, the unjust character of monopolies ; to check, so far as may be practicable by prudent legislation, those temptations of interest and those opportunities for their dangerous indulgence, which beset them on every side, and to confine them strictly to the performance of their paramount duty, that of aiding the operations of commerce, rather than consulting their own exclusive advantage. These and other salutary reforms may, it is believed, be accomplished without the violation of any of the great principles of the social compact, the observance of which is indispensable to its existence, or interfering in any way with the useful and profitable employment of real capital.

Institutions so framed have existed and still exist elsewhere, giving to commercial intercourse all necessary facilities, without inflating or depreciating the currency, or stimulating speculation. Thus accomplishing their legitimate ends, they have gained the surest guarantee for their protection and encouragement in the good-will of the community. Among a people so just as ours, the same results could not fail to attend a similar course. The direct supervision of the banks belongs, from the nature of our government, to the states who authorize them. It is to their legisla-



tures that the people must mainly look for action on that subject. But as the conduct of the federal government in the management of its revenue has also a powerful through less immediate influence upon them, it becomes our duty to see that a proper direction is given to it. While the keeping of the public revenue in a separate and independent treasury and of collecting it in gold and silver, will have a salutary influence on the system of paper credit with which all banks are connected, and thus aid those that are sound and well managed, it will at the same time sensibly check such as are otherwise, by at once withholding the means of extravagance afforded by the public funds, and restraining them from excessive issues of notes which they would be constantly called upon to redeem.

I am aware it has been urged that this control may be best attained and exerted by means of a national bank. The constitutional objections, which I am well known to entertain, would prevent me in any event from proposing or assenting to that remedy ; but in addition to this I can not, after past experience, bring myself to think that it can any longer be extensively regarded as effective for such a purpose. The history of the late national bank through all its mutations shows that it was not so. On the contrary, it may, after a careful consideration of the subject, be, I think, safely stated, that at every period of banking excess it took the lead ; that in 1817, and 1818, in 1823, in 1831, and in 1834, its vast expansions, followed by distressing contractions, led to those of the state institutions. It swelled and maddened the tides of the banking system, but seldom allayed, or safely directed them. At a few periods only was a salutary control exercised, but an eager desire, on the contrary, exhibited for profit in the first place ; and if, afterward, its measures were severe toward other institutions, it was because its own safely compelled it to adopt them. It did not differ from them in principle or in form ; its measures emanated from the same spirit of gain ; it felt the same temptation to over-issue ; it suffered from, and was totally unable to avert, those inevitable laws of trade by which it was itself affected equally with them ; and at least on one occasion, at an early day, it was saved only by extraordinary exertions from the same fate that attended the weakest institution it professed to supervise. In 1837 it failed, equally with others, in redeeming its notes, though the two years allowed by its charter for that purpose had not expired, a large amount of which remains to the present time outstanding. It is true, that having so vast a capital, and strengthened by the use of all the revenues of the government, it possessed more power ; but while it was itself, by this circumstance, freed from the control which all banks require, its paramount object and inducement were left the same—to make the most for its stockholders ; not to regulate the currency of the country. Nor has it, as far as we are advised, been found to be greatly otherwise elsewhere. The national character given to the bank of England, has not prevented excessive fluctuations in their currency, and it proved unable to keep off a suspension of specie payments, which lasted for nearly a quarter of a century. And why should we expect to be otherwise ? A national institution, though deriving its charter from a different source than the state banks, is yet constituted upon the same principles ; is conducted by men equally exposed to temptation ; and is liable to the same disasters ; with the additional disadvantage that its magnitude occasions an extent of confusion and distress which the mismanagement of smaller institutions could not produce. It can scarcely be doubted that the recent suspension of the

United States bank of Pennsylvania—of which the effects are felt not in that state alone, but over half the Union—had its origin in a course of business commenced while it was a national institution; and there is no good reason for supposing that the same consequences would not have followed, had it still derived its powers from the general government. It is in vain, when the influences and impulses are the same, to look for a difference in conduct or results. By such creations, we do therefore but increase the mass of paper credit and paper currency, without checking their attendant evils and fluctuations. The extent of power and the efficacy of organization which we give, so far from being beneficial, are in practice positively injurious. They strengthen the chain of dependence throughout the Union, subject all parts more certainly to common disaster, and bind every bank more effectually, in the first instance, to those of our commercial cities, and, in the end, to a foreign power. In a word, I can not but believe that, with the full understanding of the operations of our banking system which experience has produced, public sentiment is not less opposed to the creation of a national bank for purposes connected with currency and commerce, than for those connected with the fiscal operations of the government.

Yet the commerce and currency of the country are suffering evils from operations of the state banks which can not and ought not to be overlooked. By their means, we have been flooded with a depreciated paper, which it was evidently the design of the framers of the constitution to prevent, when they required Congress to "coin money and regulate the value of foreign coins," and when they forbade the states to "coin money, emit bills of credit, make anything but gold and silver a tender in payment of debts," or "pass any law impairing the obligation of contracts." If they did not guard more explicitly against the present state of things, it was, because they could not have anticipated that the few banks then existing were to swell to an extent which would expel to so great a degree the gold and silver for which they had provided, from the channels of circulation, and fill them with a currency that defeats the object they had in view. The remedy for this must chiefly rest with the state from whose legislation it has sprung. No good that might accrue in a particular case from the exercise of powers not obviously conferred on the general government would authorize its interference, or justify a course that might, in the slightest degree, increase, at the expense of the state, the power of the federal authorities; nor do I doubt that the states will apply the remedy. Within the last few years, events have appealed to them too strongly to be disregarded. They have seen that, the constitution, though theoretically adhered to, is subverted in practice; that while, on the statute books, there is no legal tender but gold and silver, no law impairing the obligations of contracts, yet that, in point of fact, the privileges conferred on banking corporations have made their notes the currency of the country; that the obligations imposed by these notes are violated under the impulses of interest or convenience; and that the number and power of the persons connected with these corporations, or placed under their influence, give them a fearful weight when their interest is in opposition to the spirit of the constitution and laws. To the people it is immaterial whether these results are produced by open violations of the latter, or by the workings of a system of which the result is the same. An inflexible execution even of the existing statutes of most of the states would redress many evils now endured; would effectually show the bank the dangers of

mismanagement which impunity encourages them to repeat; and would teach all corporations the useful lesson that they are the subjects of the law and the servants of the people. What is still wanting to effect these objects must be sought in additional legislation; or, if that be inadequate, in such further constitutional grants or restrictions as may bring us back into the path from which we have so widely wandered.

In the meantime, it is the duty of the general government to co-operate with the states, by a wise exercise of its constitutional powers, and the enforcement of its existing laws. The extent to which it may do so by further enactments I have already adverted to, and the wisdom of Congress may yet enlarge them. But, above all, it is incumbent upon us to hold erect the principles of morality and law, constantly executing our own contracts in accordance with the provisions of the constitution, and thus serving as a rallying point by which our whole country may be brought back to that safe and honored standard.

Our people will not long be insensible to the extent of the burdens entailed upon them by the false system that has been operating on their sanguine, energetic, and industrious character; nor to the means necessary to extricate themselves from these embarrassments. The weight which presses upon a large portion of the people and the states is an enormous debt, foreign and domestic. The foreign debt of our states, corporations, and men of business, can scarcely be less than two hundred millions of dollars, requiring more than ten millions a year to pay the interest. This sum has to be paid out of the exports of the country, and must of necessity cut off imports to that extent, or plunge the country more deeply in debt from year to year. It is easy to see that the increase of this foreign debt must augment the annual demand on the exports to pay the interest, and to the same extent diminish the imports; and in proportion to the enlargement of the foreign debt, and the consequent increase of interest, must be the decrease of the import trade. In lieu of the comforts which it now brings us, we might have our gigantic banking institutions, and splendid, but in many instances profitless, railroads and canals, absorbing to a great extent, in interest upon the capital borrowed to construct them, the surplus fruits of national industry for years to come, and securing to posterity no adequate return for the comforts which the labors of their hands might otherwise have secured. It is not by the increase of this debt that relief is to be sought, but in its diminution. Upon this point there is, I am happy to say, hope before us; not so much in the return of confidence abroad, which will enable the states to borrow more money, as in a change of public feeling at home, which prompts our people to pause in their career, and think of the means by which debts are to be paid before they are contracted. If we would escape embarrassment, public and private, we must cease to run in debt, except for objects of necessity, or such as will yield a certain return. Let the faith of the states, corporations, and individuals, already pledged, be kept with the most punctilious regard, It is due to our national character, as well as to justice, that this should on the part of each be a fixed principle of conduct. But it behooves us all to be more chary in pledging it hereafter. By ceasing to run in debt, and applying the surplus of our crops and incomes to the discharge of existing obligations, buying less and selling more, and managing all affairs, public and private, with strict economy and frugality, we shall see our country soon recover from a temporary oppression, arising not from natural and

permanent causes, but from those I have enumerated, and advance with renewed vigor in her career of prosperity.

Fortunately for us, at this moment, when the balance of trade is greatly against us, and the difficulty of meeting it enhanced by the disturbed state of our money affairs, the bounties of Providence have come to relieve us from the consequences of past errors. A faithful application of the immense results of the labors of the last season will afford partial relief for the present, and perseverance in the same course will, in due season, accomplish the rest. We have had full experience, in times past, of the extraordinary results which can, in this respect, be brought about, in a short period, by the united and well-directed efforts of a community like ours. Our surplus profits, the energy and industry of our population, and the wonderful advantages which Providence has bestowed upon our country, in its climate, its various productions, indispensable to other nations, will, in due time, afford abundant means to perfect the most useful of those objects for which the states have been plunging themselves of late in embarrassment and debt, without imposing on ourselves or our children such fearful burdens.

But let it be indelibly engraved on our minds, that relief is not to be found in expedients. Indebtedness can not be lessened by borrowing more money, or by changing the form of the debt. The balance of trade is not to be turned in our favor by creating new demands upon us abroad. Our currency can not be improved by the creation of new banks, or more issues from those which now exist. Although these devices sometimes appear to give temporary relief, they almost invariably aggravate the evil in the end. It is only by retrenchment and reform—by curtailing public and private expenditures, by paying our debts, and by reforming our banking system—that we are to expect effectual relief, security for the future, and an enduring prosperity. In shaping the institutions and policy of the general government so as to promote, as far as it can with its limited powers, these important ends, you may rely on my most cordial co-operation.

That there should have been, in the progress of recent events, doubts in many quarters, and in some a heated opposition to every change, can not surprise us. Doubts are properly attendant on all reform; and it is peculiarly in the nature of such abuses as we are now encountering, to seek to perpetuate their power by means of the influence which they have been permitted to acquire. It is their result, if not their object, to gain for the few an ascendancy over the many, by securing to them the monopoly of the currency, the medium through which most of the wants of mankind are supplied—to produce throughout society a chain of dependence which leads all classes to look to privileged associations for the means of speculation and extravagance—to nourish, in preference to the manly virtues that give dignity to human nature, a craving desire for luxurious enjoyment and sudden wealth, which renders those who seek them dependent on those who supply them—to substitute for republican simplicity and economical habits a sickly appetite for effeminate indulgence, and an imitation of that reckless extravagance which impoverished and enslaved the industrious people of foreign lands; and at last to fix upon us, instead of those political rights the acquisition of which was alike the object and supposed reward of our revolutionary struggle, a system of exclusive privileges conferred by partial legislation. To remove the influences which had thus gradually grown up among us; to deprive them of their deceptive

advantages ; to test them by the light of wisdom and truth ; to oppose the force which they concentrate in their support—all this was necessarily the work of time, even among a people so enlightened and pure as that of the United States. In most other countries, perhaps, it could only have been accomplished through that series of revolutionary movements which are too often found necessary to effect any great and radical reform ; but it is the crowning merit of our institutions, that they create and nourish, in the vast majority of our people, a disposition and a power peaceably to remedy abuses which have elsewhere caused the effusion of rivers of blood, and the sacrifice of thousands of the human race. The result thus far is most honorable to the self-denial, the intelligence, and the patriotism of our citizens ; it justifies the confident hope that they will carry through the reform which has been so well begun, and that they will go still further than they have yet gone in illustrating the important truth that a people as free and enlightened as ours, will, whenever it becomes necessary, show themselves to be indeed capable of self-government by voluntarily adopting appropriate remedies for every abuse, and submitting to temporary sacrifices, however great, to insure their temporary welfare.

My own exertions for the furtherance of these desirable objects have been bestowed throughout my official career with a zeal that is nourished by ardent wishes for the welfare of my country, and by an unlimited reliance on the wisdom that marks its ultimate decision on all great and controverted decisions. Impressed with the solemn obligations imposed upon me by the constitution, desirous also of laying before my fellow-citizens, with whose confidence and support I have been so highly honored, such measures as appear to me conducive to their prosperity, and anxious to submit to their fullest consideration the grounds upon which my opinions are formed, I have on this, as on preceding occasions, freely offered my views on those points of domestic policy that seem, at the present time, most prominently to require the action of the government. I know that they will receive from Congress that full and able consideration which the importance of the subjects merits ; and I can repeat the assurance heretofore made, that I shall cheerfully and readily co-operate with you in every measure that will tend to promote the welfare of the Union.

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## SPECIAL MESSAGE.

FEBRUARY 4, 1840.

*To the Senate and House of Representatives of the United States :—*

I LAY before you a report from the secretary of the treasury, with several documents annexed, by which it will be seen that judicial constructions have been given to the existing laws for the collection of imposts affecting extensively and injuriously the accruing revenue.

They embrace, with many others, the important articles of linens, woollens, and cottons ; the last two of which are treated as silks, because that material constitutes a component part of them, and thus exempted them from duty altogether. Assessments of duties, which have prevailed for years, and, in some cases, since the passage of the laws themselves, are

in this manner altered, and uncertainty and litigation introduced in regard to the future.

The effects which these proceedings have already produced in diminishing the amount of revenue, and which are likely to increase hereafter, deserves your early consideration.

I have therefore deemed it necessary to bring the matter to your notice, with a view to such legislative action as the exigencies of the case may in your judgment require. It is not believed that any law, which can now be passed upon the subject, can affect the revenue favorably for several months to come, and could not therefore be safely regarded as a substitute for the early provision of certain and adequate means to enable the treasury to guard the public credit, and meet promptly and faithfully any deficiencies that may occur in the revenue, from whatever cause they may arise.

The reasons in favor of the propriety of adopting, at an early period, proper measures for that purpose, were explained by the secretary of the treasury in his annual report, and recommended to your attention by myself. The experience of the last two months, and especially the recent decision of the courts, with the continued suspension of specie payments by the banks over large sections of the United States, operating unfavorably upon the revenue, have greatly strengthened the views then taken of the subject.

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## SPECIAL MESSAGE.

FEBRUARY 17, 1840.

*To the Senate and House of Representatives of the United States :—*

I SUBMIT to Congress a communication from the secretary of the treasury, repeating suggestions contained in his annual report in regard to the necessity of an early provision by law for the protection of the treasury against the fluctuations and contingencies to which its receipts are exposed, with additional facts and reasons in favor of the propriety of the legislation there desired.

The application assumes that, although the means of the treasury for the whole year may be equal to the expenditures of the year, the department may, notwithstanding, be rendered unable to meet the claims upon it at the times when they fall due. This apprehension arises partly from the circumstance that the largest proportion of the charges upon the treasury, including the payment of pensions and the redemption of treasury-notes, fall due in the early part of the year, viz., in the months of March and May, while the resources, on which it might otherwise rely to discharge them, can not be made available until the last half of the year; and partly from the fact that a portion of the means of the treasury consists of debts due from banks, for some of which delay has already been asked, and which may not be punctually paid.

Considering the injurious consequences to the character, credit, and business, of the country, which would result from a failure by the government, for even so short a period, to meet the engagements; that the happening of such a contingency can only be effectually guarded against by the exercise of legislative authority; that the period when such disability must arise, if at all, and which, at the commencement of the session, was

remote, has now approached so near as a few days ; and that the provision asked for is only intended to enable the executive to fulfil existing obligations, and chiefly by anticipating funds not yet due, without making any addition to the public burdens, I have deemed the subject of sufficient urgency and importance again to ask for it your early attention.

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### SPECIAL MESSAGE.

MAY 21, 1840.

*To the Senate and House of Representatives of the United States :—*

I COMMUNICATE to Congress sundry papers, from which it will be perceived that the imaum of Muscat has transmitted to this country, and, through the agency of the commander of one of his vessels, offered, for my acceptance, a present, consisting of horses, pearls, and other articles of value. The answer of the secretary of state to a letter from the agents of the vessel, communicating the offer of the present, and my own letter to the imaum, in reply to one which he addressed to me, were intended to make known, in the proper quarter, the reasons which had precluded my acceptance of the proffered gift. Inasmuch, however, as the commander of the vessel, with the view, as he alleged, of carrying out the wishes of his sovereign, now offers the presents to the government of the United States, I deem it my duty to lay the proposition before Congress, for such disposition as they may think fit to make of it ; and I take the opportunity to suggest, for their consideration, the adoption of legislative provisions pointing out the course which they may deem proper for the executive to pursue in any future instances where offers of presents by foreign states, either to the government, its legislative, or executive branches, or its agents abroad, may be made under circumstances precluding a refusal without the risk of giving offence.

The correspondence between the department of state and the consul at Tangiers, will acquaint Congress with such an instance, in which every proper exertion on the part of the consul to refrain from taking charge of an intended present, proved unavailing. The animals constituting it may, consequently, under the instructions from the secretary of state, be expected soon to arrive in the United States : when the authority of Congress as to the disposition to be made of them, will be necessary.

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### FOURTH ANNUAL MESSAGE.

DECEMBER 5, 1840.

*Fellow-Citizens of the Senate and House of Representatives :—*

OUR devout gratitude is due to the Supreme Being for having graciously continued to our beloved country, through the vicissitudes of another year, the invaluable blessings of health, plenty, and peace. Seldom has this favored land been so generally exempted from the ravages of disease, or the labor of the husbandman more amply rewarded ; and never before have our relations with other countries been placed on a more favorable basis

than that which they so happily occupy at this critical conjuncture in the affairs of the world. A rigid and persevering abstinence from all interference with the domestic and political relations of other states, alike due to the genius and distinctive character of our government and to the principles by which it is directed; a faithful observance, in the management of our foreign relations, of the practice of speaking plainly, dealing justly, and requiring truth and justice in return, as the best conservative of the peace of nations; a strict impartiality in our manifestations of friendship, in the commercial privileges we concede, and those we require from others; these, accompanied by a disposition as prompt to maintain, in every emergency, our own rights, as we are from principle averse to the invasion of those of others, have given to our country and government a standing in the great family of nations, of which we have just cause to be proud, and the advantages of which are experienced by our citizens throughout every portion of the earth to which their enterprise and adventurous spirit may carry them. Few, if any, remain insensible to the value of our friendship, or ignorant of the terms on which it can be acquired, and by which it can alone be preserved.

A series of questions of long standing, difficult in their adjustment and important in their consequences, in which the rights of our citizens and the honor of the country were deeply involved, have, in the course of a few years (the most of them during the successful administration of my immediate predecessor), been brought to a satisfactory conclusion; and the most important of those remaining are, I am happy to believe, in a fair way of being speedily and satisfactorily adjusted.

With all the powers of the world our relations are those of honorable peace. Since your adjournment, nothing serious has occurred to interrupt or threaten this desirable harmony. If clouds have lowered above the other hemisphere, they have not cast their portentous shadows upon our happy shores. Bound by no entangling alliances, yet linked by a common nature and interest with the other nations of mankind, our aspirations are for the preservation of peace, in whose solid and civilizing triumphs all may participate with a generous emulation. Yet it behooves us to be prepared for any event, and to be always ready to maintain those just and enlightened principles of national intercourse for which this government has ever contended. In the shock of contending empires, it is only by assuming a resolute bearing, and clothing themselves with defensive armor, that neutral nations can maintain their independent rights.

The excitement which grew out of the territorial controversy between the United States and Great Britain having in a measure subsided, it is hoped that a favorable period is approaching for its final settlement. Both governments must now be convinced of the dangers with which the question is fraught; and it must be their desire, as it is their interest, that this perpetual cause of irritation should be removed as speedily as practicable. In my last annual message you were informed that a proposition for a commission of exploration and survey promised by Great Britain had been received, and that a counter-project, including also a provision for the certain and final adjustment of the limits in dispute, was then before the British government for its consideration. The answer of that government, accompanied by additional propositions of its own, were received through its minister here, since your separation. These were promptly considered; such as were deemed correct in principle, and consistent with a due regard to the just rights of the United States and of the state of



Maine, concurred in; and the reasons for dissenting from the residue, with an additional suggestion on our part, communicated by the secretary of state to Mr. Fox. That minister, not feeling himself sufficiently instructed upon some of the points raised in the discussion, felt it to be his duty to refer the matter to his own government for its further decision. Having now been for some time under its advisement, a speedy answer may be confidently expected. From the character of the points still in difference, and the undoubted disposition of both parties to bring the matter to an early conclusion, I look with entire confidence to a prompt and satisfactory termination of the negotiation. Three commissioners were appointed shortly after the adjournment of Congress, under the act of the last session providing for the exploration and survey of the line which separates the states of Maine and New Hampshire from the British provinces; they been actively employed until their progress was interrupted by the inclemency of the season, and will resume their labors as soon as practicable in the ensuing year.

It is understood that their respective examinations will throw new light upon the subject in controversy, and serve to remove any erroneous impression which may have been made elsewhere prejudicial to the rights of the United States. It was, among other reasons, with a view of preventing the embarrassments which, in our peculiar system of government, impede and complicate negotiations involving the territorial rights of a state, that I thought it my duty, as you have been informed on a previous occasion, to propose to the British government, through its minister at Washington, that early steps should be taken to adjust the points at difference on the line of boundary from the entrance of Lake Superior to the most northwestern point of the lake of the Woods, by the arbitration of a friendly power, in conformity with the seventh article of the treaty of Ghent. No answer has yet been returned by the British government to this proposition.

With Austria, France, Prussia, Russia, and the remaining powers of Europe, I am happy to inform you our relations continue to be of the most friendly character. With Belgium, a treaty of commerce and navigation, based upon liberal principles of reciprocity and equality, was concluded in March last, and, having been ratified by the Belgian government, will be duly laid before the senate. It is a subject of congratulation that it provides for the satisfactory adjustment of a long-standing question of controversy; thus removing the only obstacle which could obstruct the friendly and mutually advantageous intercourse between the two nations. A messenger has been despatched with the Hanoverian treaty to Berlin, where, according to stipulation, the ratifications are to be exchanged. I am happy to announce to you that, after many delays and difficulties, a treaty of commerce and navigation, between the United States and Portugal, was concluded and signed at Lisbon, on the 26th of August last, by the plenipotentiaries of the two governments. Its stipulations are founded upon those principles of mutual liberality and advantage which the United States have always sought to make the basis of their intercourse with foreign powers, and it is hoped they will tend to foster and strengthen the commercial intercourse of the two countries.

Under the appropriation of the last session of Congress, an agent has been sent to Germany for the purpose of promoting the interests of our tobacco trade.

The commissioners appointed under the convention for the adjustment

of claims of citizens of the United States upon Mexico having met and organized at Washington, in August last, the papers in the possession of the government, relating to those claims, were communicated to the board. The claims not embraced by that convention are now the subject of negotiation between the two governments, through the medium of our minister at Mexico.

Nothing has occurred to disturb the harmony of our relations with the different governments of South America. I regret, however, to be obliged to inform you that the claims of our citizens upon the late republic of Colombia have not yet been satisfied by the separate governments into which it has been resolved.

The chargé d'affaires of Brazil having expressed the intention of his government not to prolong the treaty of 1828, it will cease to be obligatory upon either party on the 12th day of December, 1841, when the extensive commercial intercourse between the United States and that vast empire will no longer be regulated by express stipulations.

It affords me pleasure to communicate to you that the government of Chili has entered into an agreement to indemnify the claimants in the case of the Macedonian, for American property seized in 1819; and to add, that information has also been received which justifies the hope of an early adjustment of the remaining claims upon that government.

The commissioners appointed in pursuance of the convention between the United States and Texas, for marking the boundary between them, have, according to the last report received from our commissioner, surveyed and established the whole extent of the boundary north along the western bank of the Sabine river, from its entrance into the gulf of Mexico to the thirty-second degree of north latitude. The commission adjourned on the 16th of June last, to reassemble on the 1st of November, for the purpose of establishing accurately the intersection of the thirty-second degree of latitude with the western bank of the Sabine, and the meridian line thence to Red river. It is presumed that the work will be concluded in the present season.

The present sound condition of their finances, and the success with which embarrassments in regard to them, at times apparently insurmountable, have been overcome, are matters upon which the people and government of the United States may well congratulate themselves. An overflowing treasury, however it may be regarded as an evidence of public prosperity, is seldom conducive to the permanent welfare of any people; and experience has demonstrated its incompatibility with the salutary action of political institutions like those of the United States. Our safest reliance for financial efficiency and independence has, on the contrary, been found to consist in ample resources unencumbered with debt; and, in this respect, the federal government occupies a singularly fortunate and truly enviable position.

When I entered upon the discharge of my official duties in March, 1837, the act for the distribution of the surplus revenue was in a course of rapid execution. Nearly twenty-eight millions of dollars of the public moneys were, in pursuance of its provisions, deposited with the states in the months of January, April, and July, of that year. In May, there occurred a general suspension of specie payments by the banks, including, with very few exceptions, those in which the public moneys were deposited, and upon whose fidelity the government had unfortunately made

itself dependent for the revenues which had been collected from the people, and were indispensable to the public service.

This suspension, and the excesses in banking and commerce out of which it arose, and which were greatly aggravated by its occurrence, made, to a great extent, unavailable the principal part of the public money then on hand; suspended the collection of many millions accruing on merchants' bonds; and greatly reduced the revenue arising from customs and the public lands. These effects have continued to operate, in various degrees, to the present period; and in addition to the decrease in the revenue thus produced, two and a half millions of dollars have been relinquished by two biennial reductions under the act of 1833, and probably as much more upon the importation of iron for railroads, by special legislation.

While such has been our condition for the last four years in relation to revenue, we have, during the same period, been subjected to an unavoidable continuance of large extraordinary expenses necessarily growing out of past transactions, and which could not be immediately arrested without great prejudice to the public interest. Of these, the charge upon the treasury, in consequence of the Cherokee treaty alone, without adverting to others arising out of Indian treaties, has already exceeded five millions of dollars; that for the prosecution of measures for the removal of the Seminole Indians, which were found in progress, has been nearly fourteen millions; and the public buildings have required the unusual sum of nearly three millions.

It affords me, however, great pleasure to be able to say, that, from the commencement of this period to the present day, every demand upon the government, at home or abroad, has been promptly met. This has been done, not only without creating a permanent debt, or a resort to additional taxation in any form, but in the midst of a steadily progressive reduction of existing burdens upon the people, leaving still a considerable balance of available funds which will remain in the treasury at the end of the year. The small amount of treasury-notes, not exceeding four and a half millions of dollars, still outstanding, and less by twenty-three millions than the United States have in deposit with the states, is composed of such only as are not yet due, or have not been presented for payment. They may be redeemed out of the accruing revenue, if the expenditures do not exceed the amount within which they may, it is thought, be kept without prejudice to the public interest, and the revenue shall prove to be as large as may justly be anticipated.

Among the reflections arising from the contemplation of these circumstances, one, not the least gratifying, is the consciousness that the government had the resolution and the ability to adhere, in every emergency, to the sacred obligations of law; to execute all its contracts according to the requirements of the constitution; and thus to present, when most needed, a rallying-point by which the business of the whole country might be brought back to a safe and unvarying standard—a result vitally important as well to the interests as to the morals of the people. There can surely now be no difference of opinion in regard to the incalculable evils that would have arisen if the government, at that critical moment, had suffered itself to be deterred from upholding the only true standard of value, either by the pressure of adverse circumstances or the violence of unmerited denunciation. The manner in which the people sustained the performance of this duty was highly honorable to their fortitude and patriotism. It

can not fail to stimulate their agents to adhere, under all circumstances, to the line of duty ; and to satisfy them of the safety with which a course really right, and demanded by a financial crisis, may, in a community like ours, be pursued, however apparently severe its immediate operation.

The policy of the federal government, in extinguishing as rapidly as possible the national debt, and, subsequently, in resisting every temptation to create a new one, deserves to be regarded in the same favorable light. Among the many objections to a national debt, the certain tendency of public securities to concentrate ultimately in the coffers of foreign stockholders, is one which is every day gathering strength. Already have the resources of many of the states, and the future industry of their citizens, been indefinitely mortgaged to the subjects of European governments, to the amount of twelve millions annually, to pay the constantly-accruing interest of borrowed money—a sum exceeding half the ordinary revenues of the whole United States. The pretext which this relation affords to foreigners to scrutinize the management of our domestic affairs, if not actually to intermeddle with them, presents a subject for earnest attention, not to say of serious alarm. Fortunately, the federal government, with the exception of an obligation entered into in behalf of the District of Columbia, which must soon be discharged, is wholly exempt from any such embarrassment. It is also, as is believed, the only government which, having fully and faithfully paid all its creditors, has also relieved itself entirely from debt. To maintain a distinction so desirable, and so honorable to our national character, should be an object of earnest solicitude. Never should a free people, if it be possible to avoid it, expose themselves to the necessity of having to treat of the peace, the honor, or the safety of the republic, with the governments of foreign creditors, who, however well disposed they may be to cultivate with us in general friendly relations, are, nevertheless, by the law of their own condition, made hostile to the success and permanency of political institutions like ours. Most humiliating may be the embarrassments consequent upon such a condition. Another objection, scarcely less formidable, to the commencement of a new debt, is its inevitable tendency to increase in magnitude, and to foster national extravagance. He has been an unprofitable observer of events, who needs at this day to be admonished of the difficulties which a government habitually dependent on loans to sustain its ordinary expenditures, has to encounter in resisting the influence constantly exerted in favor of additional loans ; by capitalists, who enrich themselves by government securities for amounts much exceeding the money they actually advance—a prolific source of individual aggrandizement in all borrowing countries ; by stockholders, who seek their gain by the rise and fall of public stocks ; and by the selfish importunities of applicants for appropriations for works avowedly for the accommodation of the public, but the real objects of which are, too frequently, the advancement of private interests. The known necessity which so many of the states will be under to impose taxes for the payment of the interest on their debts, furnishes an additional and very cogent reason why the federal government should refrain from creating a national debt, by which the people would be exposed to double taxation for a similar object. We possess within ourselves ample resources for every emergency ; and we may be quite sure that our citizens, in no future exigency, will be unwilling to supply the government with all the means asked for the defence of the country. In time of peace there can, at all events, be no justification for the creation of a permanent debt by the federal

government. Its limited range of constitutional duties may certainly, under such circumstances, be performed without such a resort. It has, it is seen, been avoided during four years of greater fiscal difficulties than have existed in a similar period since the adoption of the constitution, and one also remarkable for the occurrence of extraordinary causes of expenditures.

But, to accomplish so desirable an object, two things are indispensable : first, that the action of the federal government be kept within the boundaries prescribed by its founders ; and, secondly, that all appropriations for objects admitted to be constitutional, and the expenditure of them also, be subjected to a standard of rigid but well-considered and practical economy. The first depends chiefly on the people themselves—the opinions they form of the true construction of the constitution, and the confidence they repose in the political sentiments of those they select as their representatives in the federal legislature ; the second rests upon the fidelity with which their more immediate representatives, and other public functionaries, discharge the trust committed to them. The duty of economizing the expenses of the public service is admitted on all hands ; yet there are few subjects upon which there exists a wider difference of opinion than is constantly manifested in regard to the fidelity with which that duty is discharged. Neither diversity of sentiment, nor even mutual recriminations, upon a point in respect to which the public mind is so justly sensitive, can well be entirely avoided ; and least so at periods of great political excitement. An intelligent people, however, seldom fail to arrive, in the end, at correct conclusions in such a matter. Practical economy in the management of public affairs can have no adverse influence to contend with, more powerful than a large surplus revenue ; and the unusually large appropriations for 1836 may, without doubt, independently of the extraordinary requisitions for the public service growing out of the state of our Indian relations, be, in no inconsiderable degree, traced to this source. The sudden and rapid distribution of the large surplus then in the treasury, and the equally sudden and unprecedented severe revulsion in the commerce and business of the country pointing with unerring certainty to a great and protracted reduction of the revenue, strengthened the propriety of the earliest practicable reduction of the public expenditure.

But, to change the system operating upon so large a surface, and applicable to such numerous and diversified interests and objects, was more than the work of a day. The attention of every department of the government was immediately, and in good faith, directed to that end ; and has been so continued to the present moment. The estimates and appropriations for the year 1838 (the first over which I had any control) were somewhat diminished. The expenditures of 1839 were reduced six millions of dollars. Those of 1840, exclusive of disbursements for public debt and trust claims, will probably not exceed twenty-two and a half millions ; being between two and three millions less than those of the preceding year, and nine or ten millions less than those of 1837. Nor has it been found necessary, in order to produce this result, to resort to the power conferred by Congress, of postponing certain classes of public works, except by deferring expenditures for a short period upon a limited portion of them ; and which postponement terminated some time since, at the moment the treasury department, by further receipts from the indebted banks, became fully assured of its ability to meet them without prejudice to the public service in other respects. Causes are in operation which will, it is be-

lieved, justify a still further reduction, without injury to any important national interest. The expenses of sustaining the troops employed in Florida have been gradually and greatly reduced, through the persevering efforts of the war department; and a reasonable hope may be entertained that the necessity for military operations in that quarter will soon cease. The removal of the Indians from within our settled borders is nearly completed. The pension list, one of the heaviest charges upon the treasury, is rapidly diminishing by death. The most costly of our public buildings are either finished, or nearly so; and we may, I think, safely promise ourselves a continued exemption from border difficulties.

The available balance in the treasury on the 1st of January next is estimated at one million and a half of dollars. This sum, with the expected receipts from all sources during the next year, will, it is believed, be sufficient to enable the government to meet every engagement, and leave a suitable balance in the treasury at the end of the year, if the remedial measures connected with the customs and the public lands, heretofore recommended, shall be adopted, and the new appropriations by Congress shall not carry the expenditure beyond the official estimates.

The new system established by Congress for the safekeeping of the public money, prescribing the kind of currency to be received for the public revenue, and providing additional guards and securities against losses, has now been several months in operation. Although it might be premature, upon an experience of such limited duration, to form a definite opinion in regard to the extent of its influences in correcting many evils under which the federal government and the country have hitherto suffered—especially those that have grown out of banking expansions, a depreciated currency, and official defalcations; yet it is but right to say that nothing has occurred in the practical operation of the system to weaken in the slightest degree, but much to strengthen, the confident anticipations of its friends. The grounds of these have been heretofore so fully explained as to require no recapitulation. In respect to the facility and convenience it affords in conducting the public service, and the ability of the government to discharge through its agency every duty attendant on the collection, transfer, and disbursement of the public money with promptitude and success, I can say, with confidence, that the apprehensions of those who felt it to be their duty to oppose its adoption, have proved to be unfounded. On the contrary, this branch of the fiscal affairs of the government has been, and it is believed may always be, thus carried on with every desirable facility and security. A few changes and improvements in the details of the system, without affecting any principles involved in it, will be submitted to you by the secretary of the treasury, and will, I am sure, receive at your hands that attention to which they may, on examination, be found to be entitled.

I have deemed this brief summary of our fiscal affairs necessary to the due performance of a duty specially enjoined upon me by the constitution. It will serve, also, to illustrate more fully the principles by which I have been guided in reference to two contested points in our public policy, which were earliest in their development, and have been more important in their consequences, than any that have arisen under our complicated and difficult, yet admirable system of government; I allude to a national debt, and a national bank.

It was in these that the political contest by which the country has been agitated ever since the adoption of the constitution, in a great measure

originated ; and there is too much reason to apprehend that the conflicting interests and opposing principles thus marshalled, will continue, as heretofore, to produce similar, if not aggravated consequences.

Coming into office the declared enemy of both, I have earnestly endeavored to prevent a resort to either.

The consideration that a large public debt affords an apology, and produces, in some degree, a necessity also, for resorting to a system and extent of taxation which is not only oppressive throughout, but likewise so apt to lead, in the end, to the commission of that most odious of all offences against the principles of republican government—the prostitution of political power, conferred for the general benefit, to the aggrandizement of particular classes, and the gratification of individual cupidity—is alone sufficient, independently of the weighty objections which have already been urged, to render its creation and existence the sources of bitter and unappeasable discord.

If we add to this, its inevitable tendency to produce and foster extravagant expenditures of the public money, by which a necessity is created for new loans and new burdens on the people ; and finally, if we refer to the examples of every government which has existed, for proof, how seldom it is that the system, when once adopted and implanted in the policy of a country, has failed to expand itself, until public credit was exhausted, and the people were no longer able to endure its increasing weight, it seems impossible to resist the conclusion, that no benefits resulting from its career, no extent of conquest, no accession of wealth to particular classes, nor any, nor all its combined advantages, can counterbalance its ultimate but certain results—a splendid government, and an impoverished people.

If a national bank was, as is undeniable, repudiated by the framers of the constitution, as incompatible with the rights of the states and the liberties of the people ; if, from the beginning, it has been regarded by a large portion of our citizens as coming in direct collision with that great and vital amendment of the constitution, which declares that all powers not conferred by that instrument on the general government are reserved to the states and to the people ; if it has been viewed by them as the first great step in the march of latitudinous construction which, unchecked, would render that sacred instrument of as little value as an unwritten constitution, dependent, as it would alone be, for its meaning, on the interested interpretation of a dominant party, and affording no security to the rights of the minority ; if such is undeniably the case, what rational grounds could have been conceived for anticipating aught but determined opposition to such an institution at the present day.

Could a different result have been expected, when the consequences which have flowed from its creation, and particularly from its struggles to perpetuate its existence, had confirmed in so striking a manner the apprehensions of its earliest opponents, when it had been so clearly demonstrated that a concentrated money power, wielding so vast a capital, and combining such incalculable means of influence, may, in those peculiar conjunctures to which this government is unavoidably exposed, prove an overmatch for the political power of the people themselves ; when the true character of its capacity to regulate, according to its will and its interests, and the interests of its favorites, the value and production of the labor and property of every man in this extended country, had been so fully and fearfully developed ; when it was notorious that all classes of this great community had, by means of the power and influence it thus possesses, been infected to

madness with a spirit of heedless speculation; when it had been seen that, secure in the support of the combination of influences by which it was surrounded, it could violate its charter, and set the laws at defiance with impunity; and when, too, it had become most apparent that to believe that such an accumulation of powers can never be granted without the certainty of being abused, was to indulge in a fatal delusion?

To avoid the necessity of a permanent debt, and its consequences, I have advocated and endeavored to carry into effect, the policy of confining the appropriations for the public service to such objects only as are clearly within the constitutional authority of the federal government; of excluding from its expenses those improvident and unauthorized grants of public money for works of internal improvement, which were so wisely arrested by the constitutional interposition of my predecessor, and which, if they had not been so checked, would long before this time have involved the finances of the general government in embarrassments far greater than those which are now experienced by any of the states; of limiting all our expenditures to that simple, unostentatious, and economical administration of public affairs, which is alone consistent with the character of our institutions; of collecting annually from the customs, and the sales of public lands, a revenue fully adequate to defray all the expenses thus incurred; but, under no pretence whatsoever, to impose taxes upon the people to a greater amount than was actually necessary to the public service, conducted upon the principles I have stated.

In lieu of a national bank, or a dependence upon banks of any description, for the management of our fiscal affairs, I recommend the adoption of the system which is now in successful operation. That system affords every requisite facility for the transaction of the pecuniary concerns of the government; and will, it is confidently anticipated, produce in other respects many of the benefits which have been from time to time expected from the creation of a national bank, but which have never been realized; avoid the manifold evils inseparable from such an institution; diminish, to a greater extent than could be accomplished by any other measure of reform, the patronage of the federal government—a wise policy in all governments, but more especially so in one like ours, which works well only in proportion as it is made to rely for support upon the unbiased and unadulterated opinions of its constituents; do away, for ever, all dependence on corporate bodies, either in raising, collecting, safekeeping, or disbursing, the public revenues; and place the government equally above the temptation of fostering a dangerous and unconstitutional institution at home, or the necessity of adapting its policy to the views and interests of a still more formidable money power abroad.

It is by adopting and carrying out these principles, under circumstances the most arduous and discouraging, that the attempt has been made, thus far successfully, to demonstrate to the people of the United States that a national bank at all times, and a national debt, except it be incurred at a period when the honor and safety of the nation demand the temporary sacrifice of a policy which should only be abandoned in such exigencies, are not merely unnecessary, but in direct and deadly hostility to the principles of their government, and to their own permanent welfare.

The progress made in the development of these positions, appears in the preceding sketch of the past history and present state of the financial concerns of the federal government. The facts there stated, fully authorize the assertion, that all the purposes for which government was instituted



have been accomplished during four years of greater pecuniary embarrassment than were ever before experienced in time of peace, and in the face of opposition as formidable as any that was ever before arrayed against the policy of an administration; that this has been done when the ordinary revenues of the government were generally decreasing, as well from the operation of the laws, as the condition of the country; without the creation of a permanent public debt, or incurring any liability, other than such as the ordinary resources of the government will speedily discharge, and without the agency of a national bank

If this view of the proceedings of the government for the period it embraces, be warranted by the facts as they are known to exist; if the army and navy have been sustained to the full extent authorized by law, and which Congress deemed sufficient for the defence of the country and the protection of its rights and its honor; if its civil and diplomatic service has been equally sustained; if ample provision has been made for the administration of justice and the execution of the laws; if the claims upon public gratitude in behalf of the soldiers of the revolution have been promptly met and faithfully discharged; if there have been no failures in defraying the very large expenditures growing out of that long-continued and salutary policy of peaceably removing the Indians to regions of comparative safety and prosperity; if the public faith has at all times and everywhere been most scrupulously maintained by a prompt discharge of the numerous, extended, and diversified claims of the treasury—if all these great and permanent objects, with many others that might be stated, have for a series of years, marked by peculiar obstacles and difficulties, been successfully accomplished without a resort to a permanent debt, or the aid of a national bank; have we not a right to expect that a policy, the object of which has been to sustain the public service independently of either of these fruitful sources of discord, will receive the final sanction of a people whose unbiased and fairly elicited judgment upon public affairs is never ultimately wrong?

That embarrassments in the pecuniary concerns of individuals, of unexampled extent and duration, have recently existed in this as in other commercial nations, is undoubtedly true. To suppose it necessary now, to trace these reverses to their sources, would be a reflection on the intelligence of my fellow-citizens. Whatever may have been the obscurity in which the subject was involved during the earlier stages of the revulsion, there can not now be many by whom the whole question is not fully understood.

Not deeming it within the constitutional powers of the general government to repair private losses sustained by reverses in business, having no connexion with the public service, either by direct appropriations from the treasury, or by special legislation designed to secure exclusive privileges and immunities to individuals or classes, in preference to, and at the expense of, the great majority necessarily debarred from any participation in them, no attempt to do so has been either made, recommended, or encouraged, by the present executive.

It is believed, however, that the great purposes for the attainment of which the federal government was instituted, have not been lost sight of. Intrusted only with certain limited powers, cautiously enumerated, distinctly specified, and defined with a precision and clearness which would seem to defy misconstruction, it has been my constant aim to confine myself within the limits so clearly marked out, and so carefully guarded.

Having always been of opinion that the best preservative of the union of the states is to be found in a total abstinence from the exercise of all doubtful powers on the part of the federal government, rather than in attempts to assume them by a loose construction of the constitution, or an ingenious perversion of its words, I have endeavored to avoid recommending any measure which I have reason to apprehend would, in the opinion even of a considerable minority of my fellow-citizens, be regarded as trenching on the rights of the states, or the provisions of the hallowed instrument of our Union. Viewing the aggregate powers of the federal government as a voluntary concession of the states, it seemed to me that such only should be exercised as were at the time intended to be given.

I have been strengthened, too, in the propriety of this course, by the conviction that all efforts to go beyond this tend only to produce dissatisfaction and distrust, to excite jealousies, and to provoke resistance. Instead of adding strength to the federal government, even when successful, they must ever prove a source of incurable weakness, by alienating a portion of those whose adhesion is indispensable to the great aggregate of united strength, and whose voluntary attachment is, in my estimation, far more essential to the efficiency of a government strong in the best of all possible strength—the confidence and attachment of those who make up its constituent elements.

Thus believing, it has been my purpose to secure to the whole people, and to every member of the confederacy, by general, salutary, and equal laws, alone, the benefit of those republican institutions which it was the end and aim of the constitution to establish, and the impartial influence of which is, in my judgment, indispensable to their preservation. I can not bring myself to believe that the lasting happiness of the people, the prosperity of the states, or the permanency of their union, can be maintained by giving preference or priority to any class of citizens in the distribution of benefits or privileges, or by the adoption of measures which enrich one portion of the Union at the expense of another; nor can I see in the interference of the federal government with the local legislation and reserved rights of the states, a remedy for present, or a security against future dangers.

The first, and assuredly not the least, important step toward relieving the country from the condition into which it has been plunged by excesses in trade, banking, and credits of all kinds, was to place the business transactions of the government itself on a solid basis; giving and receiving in all cases, value for value, and neither countenancing nor encouraging in others that delusive system of credits from which it has been found so difficult to escape, and which has left nothing behind it but the wrecks that mark its fatal career.

That the financial affairs of the government are now, and have been during the whole period of the wide-spreading difficulties, conducted with a strict and invariable regard to this great fundamental principle, and that by the assumption and maintenance of the stand thus taken on the very threshold of the approaching crisis, more than by any other cause or causes whatever, the community at large has been shielded from the incalculable evils of a general indefinite suspension of specie payments, and a consequent annihilation for the whole period it might have lasted, of a just and invariable standard of value, will, it is believed, at this period, scarcely be questioned.

A steady adherence on the part of the government to the policy which has produced such salutary results, aided by judicious state legislation, and what is not less important, by the industry, enterprise, perseverance and economy of the American people, can not fail to raise the whole country, at an early period, to a state of solid and enduring prosperity, not subject to be again overthrown by the suspension of banks or the explosion of a bloated credit system. It is for the people, and their representatives, to decide whether or not the permanent welfare of the country, which all good citizens equally desire, however widely they may differ as to the means of its accomplishment, shall be in this way secured; or whether the management of the pecuniary concerns of the government, and, by consequence, to a great extent, those of individuals also, shall be carried back to a condition of things which fostered those contractions and expansions of the currency, and those reckless abuses of credit, from the baleful effects of which the country has so deeply suffered—a return that can promise in the end, no better results than to reproduce the embarrassments the government has experienced; and to remove from the shoulders of the present, to those of fresh victims, the bitter fruits of that spirit of speculative enterprise to which our countrymen are so liable, and upon which the lessons of experience are so unavailing. The choice is an important one, and I sincerely hope that it may be wisely made.

A report from the secretary of war, presenting a detailed view of the affairs of that department, accompanies this communication.

The desultory duties connected with the removal of the Indians, in which the army has been constantly engaged on the northern and western frontiers, and in Florida, have rendered it impracticable to carry into full effect the plan recommended by the secretary for improving its discipline. In every instance where the regiments have been concentrated they have made great progress; and the best results may be anticipated from a continuance of this system. During the last season, a part of the troops have been employed in removing Indians from the interior to the territory assigned them in the west—a duty which they have performed efficiently, and with praiseworthy humanity; and that portion of them which has been stationed in Florida, continued active operations there throughout the heats of summer.

The policy of the United States in regard to the Indians, of which a succinct account is given in my message of 1838, and of the wisdom and expediency of which I am fully satisfied, has been continued in active operation throughout the whole period of my administration. Since the spring of 1837, more than forty thousand Indians have been removed to their new homes west of the Mississippi, and I am happy to add, that all accounts concur in representing the result of this measure as eminently beneficial to that people.

The emigration of the Seminoles alone has been attended with serious difficulty, and occasioned bloodshed—hostilities having been commenced by the Indians in Florida, under apprehension that they would be compelled, by force, to comply with their treaty stipulations. The execution of the treaty of Payne's Landing, signed in 1832, but not ratified until 1834, was postponed, at the solicitation of the Indians; until 1836, when they again renewed their agreement to remove peaceably to their new homes in the west. In the face of this solemn and renewed compact, they broke their faith, and commenced hostilities by the massacre of Major Dade's command, the murder of their agent, General Thompson, and

other acts of cruel treachery. When this alarming and unexpected intelligence reached the seat of government, every effort appears to have been made to reinforce General Clinch, who commanded the troops then in Florida. General Eustis was despatched with reinforcements from Charleston—troops were called out from Alabama, Tennessee, and Georgia; and General Scott was sent to take command with ample powers and ample means. At the first alarm, General Gaines organized a force at New Orleans, and without waiting for orders, landed in Florida, where he delivered over the troops he had brought with him to General Scott.

Governor Call was subsequently appointed to conduct a summer campaign, and, at the close of it, was replaced by General Jesup. These events and changes took place under the administration of my predecessor. Notwithstanding the exertions of the experienced officers who had command there for eighteen months, on entering upon the administration of the government I found the territory of Florida a prey to Indian atrocities. A strenuous effort was immediately made to bring those hostilities to a close; and the army, under General Jesup, was reinforced until it amounted to ten thousand men, and furnished with abundant supplies of every description. In this campaign a great number of the enemy were captured and destroyed; but the character of the contest only was changed. The Indians, having been defeated in every engagement, dispersed in small bands throughout the country, and became an enterprising, formidable, and ruthless banditti. General Taylor, who succeeded General Jesup, used his best exertions to subdue them, and was seconded in his efforts by the officers under his command; but he, too, failed to protect the territory from their depredations. By an act of signal and cruel treachery, they broke the truce made with them by General Macomb, who was sent from Washington for the purpose of carrying into effect the expressed wishes of Congress, and have continued their devastations ever since.

General Armistead, who was in Florida when General Taylor left the army, by permission, assumed the command, and after active summer operations, was met by propositions for peace; and, from the fortunate coincidence of the arrival in Florida, at the same period, of a delegation from the Seminoles, who were happily settled west of the Mississippi, and are now anxious to persuade their countrymen to join them there, hopes were for some time entertained that the Indians might be induced to leave the territory without further difficulty.

These hopes have proved fallacious, and hostilities have been renewed throughout the whole of the territory. That this contest has endured so long, is to be attributed to causes beyond the control of the government. Experienced officers have had the command of the troops; officers and soldiers have alike distinguished themselves for their activity, patience, and enduring courage; the army has been constantly furnished with supplies of every description; and we must look for the causes which have so long procrastinated the issue of the contest, in the extent of the theatre of hostilities, the almost insurmountable obstacles presented by the nature of the country, the climate, and the wily character of the savages.

The sites for marine hospitals on the rivers and lakes, which I was authorized to select and cause to be purchased, have all been designated; but the appropriation not proving sufficient, conditional arrangements only have been made for their acquisition. It is for Congress to decide whether those conditional purchases shall be sanctioned, and the humane intentions of the law carried into full effect.

The navy, as will appear from the accompanying report of the secretary, has been usefully and honorably employed in the protection of our commerce and citizens in the Mediterranean, the Pacific, on the coast of Brazil, and in the gulf of Mexico. A small squadron, consisting of the frigate *Constellation* and the sloop-of-war *Boston*, under Commodore Kearney, is now on its way to the China and Indian seas, for the purpose of attending to our interests in that quarter; and Commander Aulic, in the sloop-of-war *Yorktown*, has been instructed to visit the Sandwich and Society islands, the coast of New Zealand, and Japan, together with other ports and islands frequented by our whale-ships, for the purpose of giving them countenance and protection, should they be required. Other smaller vessels have been, and still are, employed in prosecuting the surveys of the coast of the United States, directed by various acts of Congress; and those which have been completed will shortly be laid before you.

The exploring expedition, at the latest date, was preparing to leave the Bay of Islands, New Zealand, in further prosecution of objects which have, thus far, been successfully accomplished. The discovery of a new continent, which was first seen in latitude 66 degrees 2 minutes south, longitude 154 degrees 27 minutes east, and afterward in latitude 66 degrees 31 minutes south, longitude 153 degrees 40 minutes east, by Lieutenants Wilkes and Hudson, for an extent of eighteen hundred miles, but on which they were prevented from landing by vast bodies of ice which encompassed it, is one of the most honorable results of the enterprise. Lieutenant Wilkes bears testimony to the zeal and good conduct of his officers and men; and it is but justice to that officer to state that he appears to have performed the duties assigned him with an ardor, ability, and perseverance, which give every assurance of an honorable issue to the undertaking.

The report of the postmaster-general, herewith transmitted, will exhibit the service of that department the last year, and its present condition. The transportation has been maintained during the year to the full extent authorized by the existing laws; some improvements have been effected, which the public interest seemed urgently to demand, but not involving any material additional expenditure; the contractors have generally performed their engagements with fidelity; the postmasters, with few exceptions, have rendered their accounts and paid their quarterly balances with promptitude; and the whole service of the department has maintained the efficiency for which it has for several years been distinguished.

The acts of Congress establishing new mail-routes and requiring more expensive services on others, and the increasing wants of the country, have, for three years past, carried the expenditures something beyond the accruing revenues; the excess having been met, until the past year, by the surplus which had previously accumulated. That surplus having been exhausted, and the anticipated increase in the revenue not having been realized, owing to the depression in the commercial business of the country, the finances of the department exhibit a small deficiency at the close of the last fiscal year. Its resources, however, are ample; and the reduced rates of compensation for the transportation service, which may be expected on the future lettings, from the general reduction of prices, with the increase of revenue that may reasonably be anticipated from the revival of commercial activity, must soon place the finances of the department in a prosperous condition.

Considering the unfavorable circumstances which have existed during

the past year, it is a gratifying result that the revenue has not declined, as compared with the preceding year, but, on the contrary, exhibits a small increase; the circumstances referred to having had no other effect than to check the expected increase.

It will be seen that the postmaster-general suggests certain improvements in the establishment, designed to reduce the weight of mails, cheapen the transportation, insure greater regularity in the service, and secure a considerable reduction in the rates of letter postage—an object highly desirable. The subject is one of general interest to the community, and is respectfully recommended to your consideration.

The suppression of the African slave-trade has received the continued attention of the government. The brig *Dolphin* and schooner *Grampus* have been employed during the last season on the coast of Africa, for the purpose of preventing such portions of that trade as were said to be prosecuted under the American flag. After cruising on those parts of the coast most usually resorted to by slavers, until the commencement of the rainy season, these vessels returned to the United States for supplies, and have since been despatched on a similar service.

From the reports of the commanding officers, it appears that the trade is now principally carried on under Portuguese colors; and they express the opinion that the apprehension of their presence on the slave coast has, in a great degree, arrested the prostitution of the American flag to this inhuman purpose. It is hoped that, by continuing to maintain this force in that quarter, and by the exertions of the officers in command, much will be done to put a stop to whatever portion of this traffic may have been carried on under the American flag, and to prevent its use in a trade which, while it violates the laws, is equally an outrage on the rights of others and the feelings of humanity. The efforts of the several governments who are anxiously seeking to suppress this traffic must, however, be directed against the facilities afforded by what are now recognised as legitimate commercial pursuits, before that object can be fully accomplished.

Supplies of provisions, water-casks, merchandise, and articles connected with the prosecution of the slave-trade, are, it is understood, freely carried by vessels of different nations to the slave factories; and the effects of the factors are transported openly from one slave station to another, without interruption or punishment by either of the nations to which they belong, engaged in the commerce of that nation. I submit to your judgments, whether this government, having been the first to prohibit by adequate penalties, the slave-trade—the first to declare it piracy—should not be the first, also, to forbid to its citizens all trade with the slave factories on the coast of Africa; giving an example to all nations in this respect, which, if fairly followed, can not fail to produce the most effective results in breaking up those dens of iniquity.



## ADMINISTRATION OF VAN BUREN.

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THE inauguration of Martin Van Buren, as the eighth president of the United States, took place at the capitol, in the city of Washington, on Saturday, the 4th of March, 1837. At twelve o'clock on that day, the weather being remarkably pleasant, the president elect took his seat with his venerable predecessor, General Jackson, in a beautiful phaeton made from the wood of the frigate Constitution, and presented to General Jackson by the democracy of the city of New York. They were escorted from the president's house to the capitol, through Pennsylvania avenue, by a body of cavalry and infantry, and were also accompanied by an immense concourse of citizens. After reaching the senate-chamber the procession was formed, and Mr. Van Buren, attended by the ex-president, the members of the senate, of the cabinet, and the diplomatic corps, led the way to the rostrum erected on the ascent to the eastern portico. He then delivered his inaugural address, in clear and impressive tones, and in an easy and eloquent manner. At the close of the address, the oath of office was administered by Chief-Justice Taney.

The language of the inaugural address, the assurances of the government official journal, published at the seat of government, and other declarations, satisfied the people that the measures of Mr. Van Buren's administration would be a continuation of those adopted by General Jackson, and consequently no change might be expected. The new president selected for his cabinet, John Forsyth, of Georgia, for secretary of state; Levi Woodbury, of New Hampshire, secretary of the treasury; Joel R. Poinsett, of South Carolina, secretary of war; Mahlon Dickerson, of New Jersey, secretary of the navy; Amos Kendall, of Kentucky, postmaster-general; and Benjamin F. Butler, of New York, attorney-general. All of these gentlemen, except Mr. Poinsett, had been appointed by General Jackson to the respective offices named, and they were continued by Mr. Van Buren. Mr. Poinsett succeeded General Cass, who, in 1836, was appointed by General Jackson minister to France.

Early in the year 1837, indications were perceived of a money pressure of unexampled severity, not produced as that of 1834 had been, by



the contest with the bank of the United States (for that institution was now only a state bank, and so much embarrassed as to be powerless), but other and more formidable causes. It was some time before those unacquainted with banking operations could be induced to believe the alarm of the bankers in New York and other cities to be so well founded, as experience proved it really was. It was not until the failure of several great commercial and banking houses in New York, New Orleans, and other Atlantic cities, that the panic became general among the people.

The specie circular issued by General Jackson in the summer of 1836, which we have noticed in our account of his administration, had been powerful in its operation upon the banks and currency. This circular, or order, requiring all payments for the public lands to be made in gold or silver, produced frequent and sometimes large drafts for specie on the banks. This course not only prevented the banks from extending their line of discount, but compelled them to commence calling in their circulating notes.

The distribution of the surplus funds among the several states also seriously embarrassed the operations of the banks, and, from the mode in which it was managed, contributed to derange the currency. The banks with whom the accumulated surplus had been deposited, were not prepared for the distribution, inasmuch as they had presumed these funds would generally remain in deposit with them until the exigencies of the government should require its expenditure, and had, therefore, treated the funds of the United States as so much capital on which they could make loans to their customers. They had, therefore, undoubtedly, made large loans, relying on these government funds as an addition to their ordinary means, not likely soon to be called for.

The order issued from the treasury department, in pursuance of the law, for the distribution of these funds among the several states, was to the banks extremely embarrassing, and compelled them to call in their loans. They complained that the mode of distribution adopted by the secretary, Mr. Woodbury, was unwise and unnecessarily oppressive.

Another cause of pecuniary embarrassment and pressure was the excessive importation of merchandise from Europe, beyond the abilities and wants of the country, payments for which falling due, and American credit being impaired in London, occasioned a demand on the banks for specie, to be shipped to Europe.

The reaction in speculation had now commenced, and this accumulation of difficulties could not be withstood by the banks. On the 10th of May, 1837, all the banks in the city of New York, without exception, by common consent, suspended payments in specie. The banks of Boston, Providence, Hartford, Albany, Philadelphia, and Baltimore, and others in every quarter, on learning that the banks in New York had suspended specie payments, adopted the same course. On the 16th of May, the

legislature of New York passed an act authorizing the suspension of specie payments by the banks of that state for one year.

During the preceding two months, unprecedented embarrassments and difficulties were experienced among the mercantile classes, and were felt in all the commercial towns in the United States; especially in New York and New Orleans. The number of large failures which took place in New York in a short time, was about three hundred, their liabilities amounting to many millions. In two days, houses in New Orleans stopped payment, owing an aggregate of twenty-seven millions of dollars. In Boston one hundred and sixty-eight failures took place in six months.

A committee was appointed by a numerous meeting of the citizens of New York, to proceed to Washington and request the president of the United States to rescind the specie circular, to defer commencing suits upon unpaid bonds, and to call an extra meeting of Congress. In their interview with the president they presented an address stating, that "under a deep impression of the propriety of confining their declarations within moderate limits, they affirmed, that the value of their real estate had, within the last six months, depreciated more than forty millions of dollars; that within the preceding two months there had been more than two hundred and fifty failures of houses engaged in extensive business; that within the same period a decline of twenty millions had occurred in their local stocks, including those railroad and canal incorporations which, though chartered in other states, depended chiefly upon New York for their sale; that the immense amount of merchandise in their warehouses had, within the same period, fallen in value at least thirty per cent.; that within a few weeks not less than twenty thousand individuals, depending upon their daily labor for their daily bread, had been discharged by their employers, because the means of retaining them were exhausted; and that a complete blight had fallen upon a community heretofore so active, enterprising, and prosperous: the errors of our rulers," they declared, "had produced a wider desolation than the pestilence which depopulated our streets, or the conflagration which laid them in ashes."

Several petitions from other commercial cities and towns, had been presented to the president, requesting that he would summon a meeting of Congress at an early day. The president for some time declined to act on the petitions, but the suspension of specie payments by the banks, and the consequent exigency in which the financial affairs of the government was placed, finally induced him to issue his proclamation, on the 15th of May, for the convening of Congress on the first Monday in September, on account of "great and weighty matters claiming their consideration."

Previous to the suspension of specie payments by the banks, some of the friends of the president entertained a hope that he would afford some relief to the business community, by revoking the "specie circular" of the treasury department, which had been issued by order of General Jackson

in July, 1836, requiring gold and silver in payments for the public lands ; but in this hope they were disappointed, and it was soon evident that it was the intention of President Van Buren to carry out the designs of his predecessor in establishing a specie currency ; especially in all concerns relating to the finances of the general government. According to the report of the secretary of the treasury, in December, 1836, the condition of the currency of the United States was estimated as follows at that period : bank paper in active circulation, one hundred and twenty millions of dollars ; specie in active circulation, twenty-eight millions ; specie in banks, forty-five millions.

The extra session, being the first, of the twenty-fifth Congress, commenced on the 4th of September, 1837, and continued forty-three days, namely, until the 16th of October. The state of parties in the house of representatives was exhibited in the choice of speaker. James K. Polk, the administration candidate, was for the second time elected to that station, receiving 116 votes, against 103 for John Bell (whig), and 5 scattering. It became evident, however, that there was in the administration ranks a small section, whose views respecting the currency did not coincide with those of the president, but were favorable to banking institutions and the preservation of the credit system, as applied to the transaction of the business community. Hence arose a third party, which exercised considerable influence in many parts of the Union, and, adopting the name of " conservatives," eventually became an ally of the whigs, in their opposition to the administration. In consequence of the course of these conservatives, some of the measures recommended by the president were defeated in the house of representatives at this and the following session.

The recommendations of the president in his message to Congress at the extra session, promised no relief to the people. Indeed, the opinion that document distinctly expressed was, that the national legislature could do nothing to mitigate the evils which existed, and which, it stated, were occasioned by the unwise conduct of the business community ; that it was not the duty or design of the general government to interfere in such cases. The doctrine was advanced in the message, that all the government could do or was designed to do, was to take care of itself, and could not be expected to legislate with reference to the monetary concerns of the people. The actual condition of the government, in relation to its financial concerns, was stated with great clearness and precision, and the reasons were given which rendered the call of the extra session absolutely necessary.

The most important recommendation of the message, was the measure which received from its opponents the name of the sub-treasury scheme. By the friends of the administration it was called the independent treasury. As the funds of the government were in the possession of banks, all of which refused to pay specie, and the use of their circulating notes

was a violation of the act, or resolution, of Congress, passed in 1816; and the president having been elected under a pledge against a national bank, he recommended that the treasury of the United States should be kept by public officers, and that there should be an entire and total separation of the business and funds of the government from those of the banks.

The announcement of this scheme by the administration, caused great excitement in Congress and among the people. It was very unfavorably received by the political friends of the president, in the different states, who were interested in banks. It was represented by the opposition, whigs and conservatives, as a direct attack upon the banks and what was called the credit system. They insisted, that if the president's views were carried out, the prostration and destruction of all banks would be inevitable, and that finally a metallic currency would alone constitute the circulating medium, which would be wholly inadequate to the exigencies of a commercial community. Another consequence which they predicted, assuming that the banks were to be destroyed, was a reduction of prices, fatal and ruinous to the debtor.\*

The official paper at the seat of government, the *Globe*, having been zealous and active in support of the new treasury scheme, and in opposition to the banking system, the conservatives in the house of representatives opposed the election of the publishers of that paper (Messrs. Blair and Rives) as printers to the house. After several ballotings, the whigs joined the conservatives, and elected Thomas Allen, editor of the *Madisonian*, a conservative newspaper, printer to the house.

A bill to establish the proposed independent treasury was reported by Mr. Wright, chairman of the committee on finance, in the senate, and, after considerable discussion, passed that body by a vote of 26 ayes, to 20 noes. In opposing the measure, Mr. Clay, of Kentucky, said, that "the project was neither desirable nor practicable, nor within the constitutional power of the general government, nor just; and that it was contrary to the habits of the people of the United States, and dangerous to their liberties. He declared, that after the most deliberate and anxious consideration of which he was capable, he could conceive of no adequate remedy for the disorders which unhappily prevailed, which did not comprehend a national bank as an essential part. The great want of the country was a general and uniform currency, and a point of union, a sentinel, a regulator of the issues of the local banks; and that would be supplied by such an institution." No effort, however, was made at this time to introduce the question of a national bank, in Congress, in consequence of the well-known feelings of the president and his party against it.

The sub-treasury bill from the senate was taken up in the house of representatives, but after an excited debate it was laid on the table, by the combined vote of whigs and conservatives, ayes 120, noes 107. It was

thus evident that the administration were in the minority on their favorite measure, in the popular branch of Congress. Having passed a bill postponing until January 1, 1839, the deposit with the states, of the fourth instalment of the surplus funds directed to be made with them; acts authorizing the issue of ten millions of dollars in treasury-notes, for the immediate wants of government; appropriating \$1,600,000 for the suppression of Indian hostilities in Florida; extending the time of bonds for duties on imports; and providing for adjusting the claims upon the late deposit banks, with a few acts of minor importance; Congress adjourned without carrying out the wishes of either the people or the government, at this extra session.

The second session of the twenty-fifth Congress commenced on the 4th of December, 1837, and continued until the 9th of July, 1838.

The independent, or sub-treasury scheme was again pressed upon the consideration of Congress, by the president, and a bill for that purpose, similar to that proposed at the extra session, being reported in the senate, the subject underwent an elaborate discussion in that body. The bill was ably sustained by Senators Wright, Benton, and others, and opposed also with ability by Mr. Clay, Mr. Webster, and other whig senators. Mr. Clay's speech was of great length, and he endeavored to establish the following proposition: "First, that it was the deliberate purpose and fixed design of the administration of General Jackson to establish a government bank—a treasury bank—to be administered and controlled by the executive department. Secondly, that, with that view, and to that end, it was its aim and intention to overthrow the whole banking system, as existing in the United States when that administration came into power, beginning with the bank of the United States, and ending with the state banks. Thirdly, that the attack was first confined, from considerations of policy, to the bank of the United States; but that after its overthrow was accomplished, it was then directed, and has since been continued, against the state banks. Fourthly, that the present administration, by its acknowledgments, emanating from the highest and most authentic source, has succeeded to the principles, plans, and policy, of the preceding administration, and stands solemnly pledged to complete and perfect them. And fifthly, that the bill under consideration (the sub-treasury plan) was intended to execute the pledge, by establishing, upon the ruins of the late bank of the United States, and the state banks, a government bank, to be managed and controlled by the treasury department, acting under the commands of the president of the United States."

Among those who supported the sub-treasury bill in the senate, was Mr. Calhoun, of South Carolina, who, with the South Carolina members in the house of representatives, now sustained the administration. Mr. Preston, the senatorial colleague of Mr. Calhoun, acted with the opposition.

The sub-treasury bill passed the senate, but was rejected in the house

of representatives on the 25th of June, 1838, by 125 to 111 votes. This plan of finance was proposed originally in Congress in 1834, by Mr. Gordon, of Virginia, but was then opposed by the friends of the administration, and rejected. In the present instance, as at the extra session, the whigs and conservatives combined against the bill.

A bill was passed at this session granting pre-emption rights to settlers on the public lands. Other important acts passed were the following : to establish the territory of Iowa ; granting land for opening a canal in the territory of Wisconsin ; to encourage the introduction and promote the cultivation of tropical fruits in the United States ; making appropriations for lightboats and beacons, and making surveys ; authorizing the printing of the Madison papers ; to provide for certain harbors, and the improvement of navigation of certain rivers in Florida ; making an appropriation for the Cumberland road ; appropriating money also for suppressing Indian hostilities, and for fortifications.

Mr. Preston, whig senator from South Carolina, introduced, in the senate, resolutions in favor of the annexation of Texas to the United States, but they did not receive favorable action at this time. The independence of that republic had been recognised by the United States in the last year of General Jackson's administration.

In June, 1838, Mr. Dickerson resigned the office of secretary of the navy, and James K. Paulding, of New York, was appointed in his place.

During this year serious disturbances against the colonial government occurred in Canada, and many of the citizens of the United States, on the northern frontiers prepared to join them. President Van Buren, therefore, issued a proclamation, calling upon all the persons engaged in the schemes of invasion of Canada, to abandon the design ; and warning all those who had engaged in these criminal enterprises, if persisted in, that, "to whatever condition they may be reduced, they must not expect the interference of the United States government, in any form, on their behalf, but would be left, reproached by every virtuous fellow-citizen, to be dealt with according to the policy and justice of that government whose dominions they have, in defiance of the known wishes and efforts of their own government, and without the shadow of justification or excuse, nefariously invaded."

Although there were many individuals largely interested in banks, who continued in good faith to support the democratic party, and the administration of Mr. Van Buren, yet it was generally believed that the great mass of the banking interest was brought to bear against the administration. The state banks, in many instances, had sustained, with all their influence, General Jackson, in his veto of the United States bank bill, and in the transfer which he made of the deposits from the national to the state banks ; but when President Van Buren recommended the removal of the

deposits from the state banks, and the establishment of the independent treasury, it was quite another matter.\*

The agitation of the currency question, and a combination of causes adverse to the administration, resulted in a great political change at the elections in the important state of New York, in 1837 and 1838. The influence of these elections in the native state of the president, which had previously sustained him by large majorities, could not fail to act upon other states; and it was soon evident, notwithstanding partial successes of the democratic party in some of the states, that the administration was gradually declining in popularity.

The twenty-fifth Congress held its third session from the 3d of December, 1838, to the expiration of its term, on the 3d of March, 1839. But few acts of general interest were passed. Among them may be named an act for preventing and suppressing Indian hostilities; this law related particularly to the difficulties with the Seminole tribe in Florida. The war with these Indians was continued during several years, and large sums were expended in maintaining it. In 1836, one million and a half of dollars were appropriated to prosecute that unfortunate contest. In January, 1837, two millions more were voted by Congress for the purpose. These appropriations were made before the retirement of General Jackson. At the extra session, in October, 1837, and in the two succeeding sessions, large amounts were again appropriated. When the difficulty arose with the Seminoles, President Jackson supposed that it would soon be terminated. And no one, at that time, had any reason to suppose that it would continue for years, and have cost the government eight or ten millions.†

Another act was passed at this session, locating and providing for the Seminole Indians, who had been removed from Florida; another abolishing imprisonment for debt in certain cases. The aspect of our relations with Great Britain was at this time threatening, in consequence of the difficulty respecting the northeast boundary. Congress, therefore, passed an act giving to the president additional powers for the defence of the United States.

During the summer of 1839, President Van Buren visited the state of New York, for the first time since his election. He travelled through the state, stopping at the principal cities and villages. He was received with public honors, and followed by processions of citizens, civil and military. In an address made to him by Mr. Edmonds, formerly a state senator, upon his arrival at New York, he made some remarks which rendered it necessary for Mr. Van Buren to speak of political parties and his own political friends, and of course to express his strong attachment to those friends. This gave occasion to the opposition to represent, that instead of coming on a visit to the whole people, as a president of the United

\* Hammond.

† Bradford.

States ought to do, he was on an electioneering tour, for the sole purpose of stimulating his friends to more active exertions, and of recruiting their dilapidated ranks by proselytes whom he was to gain from his political opponents. Hence everything he did, and every word he uttered, was the subject of the most critical and jealous scrutiny.\*

In the election of members of the twenty-sixth Congress, there had been a considerable gain for the whigs and conservatives, and, until the fall of 1839, it appeared probable that there would be an opposition majority in the house of representatives. But the friends of the administration made a desperate rally in a few of the last states which chose representatives to the twenty-sixth Congress, and succeeded in returning a small majority of the members elect, leaving out of view five of the six representatives from the state of New Jersey, whose seats were contested. The full returns of members elected to the house of representatives were reported to stand thus: administration 119, opposition 118, and five members from New Jersey claimed by both parties, the certificates of election being given to the whig candidates, and their seats contested by the administration candidates. In this situation of affairs, intense interest was felt, throughout the country, with regard to the meeting of Congress.

The twenty-sixth Congress met on the 2d of December, 1839. Every member elect of the house of representatives was present, except Mr. Kempshall (whig), from Monroe county, New York, who was detained by sickness in his family. On the assembling of the house, the clerk of the last house, Mr. Garland, a friend of the administration, agreeably to the usual custom, commenced calling the roll; and having called the members from the several New England states and the state of New York, and one of the six members from the state of New Jersey, who all brought the regular certificates, proposed to pass by the other five (whose rights to seats would be contested) till the members from the rest of the states should be called. This brought on a long, animated, and disorderly debate. Scenes of excitement and confusion continued until the 5th, when Mr. John Quincy Adams, of Massachusetts, addressed the members, and called upon them to organize, by choosing a chairman *pro tem*. Thereupon Mr. Rhett, of South Carolina, nominated Lewis Williams, of North Carolina, as chairman: he declined; when Mr. Rhett nominated John Quincy Adams, who was immediately chosen chairman *pro tem.*, and entered upon the duties of the same. The debate respecting the contested seats from New Jersey was continued from day to day till, on the 16th of December, Robert M. T. Hunter, of Virginia, an opposition member (but in favor of the sub-treasury), was elected speaker on the 11th ballot. He received 119 votes, to 113 for all others. On the 17th, the members of the house of representatives were sworn, with the exception of the five disputed members from New Jersey. The whigs having the certificates of election, under

\* Hammond.



the broad seal of the governor, now came forward and demanded, as their right, to be sworn, which gave rise to a new and animated debate, and on the 20th the following resolution was decided in the negative, by a vote of 112 to 116: "*Resolved*, That the representatives of the twenty-sixth Congress, now present, do advise and request the speaker to administer the oath required by law, to the five gentleman from the state of New Jersey who have presented credentials to the speaker and demand to be sworn." On the 21st the house completed its organization, by the election of a clerk; and on the 24th the president's message was delivered, just three weeks after the regular time.

A national convention of the whig party was held at Harrisburg, Pennsylvania, on the 4th of December, 1839, for the purpose of nominating candidates for president and vice-president of the United States. Great difference of opinion prevailed among the whigs, with respect to a suitable candidate for president, regard being especially had to the importance of nominating one upon whom the different elements of which the opposition to the administration was composed could unite with the cordiality and zeal required to be effectual.

It was the expectation of a large proportion of the whig party, especially of those who had been originally opposed to the administration of General Jackson, that Henry Clay, of Kentucky, would receive the nomination of the national convention at Harrisburg, as the opposition candidate for president. Some time before the assembling of that convention, it had been proclaimed that a clear majority of the whole number of delegates had been chosen as friendly to the nomination of Mr. Clay. Yet, during the autumn of the year 1839, notwithstanding the unpopularity of the administration, the whig party met with defeats in the elections in Tennessee, Georgia, Maryland, Ohio, Indiana, Massachusetts, Pennsylvania, and Maine. In New Jersey they held the legislature, with a strong majority against them in the popular vote. In New York the whig majority in the state was about 4,000 on the vote for senators, against 10,000 in 1838, and 15,000 in 1837. In North Carolina the whig triumph was not of a decisive character. These results showed that the opposition were losing in 1839 the advantages they had gained in 1837 and 1838, and this cast a shadow over the spirits of the reflecting friends of Mr. Clay. Under these circumstances, many of those friends began to doubt the expediency of placing him in nomination in opposition to Mr. Van Buren; particularly when it was known that the friends of the administration were desirous that Mr. Clay should be the opposition candidate. In that case, inasmuch as they believed that gentleman could not concentrate the opposition vote in his favor, they anticipated an easy victory for the democratic party at the approaching election.

Mr. Clay himself seemed to acquiesce in the doubts expressed by some of his friends, as to his own comparative strength with the whig party. In

the summer of 1839, he made a visit, for health and recreation, to the country on the lakes, Canada, and the state of New York. At the city of Buffalo he yielded to the request of his friends, to address the people on the state of public affairs. Alluding to the approaching nomination and election of president, he said: "To correct past evils and to avert impending dangers, we see no effectual remedy, but in a change of our rulers. The opposition constitutes the majority—unquestionably the majority—of the nation. A great responsibility, therefore, attaches to it. If defeated, it will be defeated by its own divisions, and not by the merits of the principles of its opponents. These divisions are at the same time our weakness and their strength.

"Are we not, then, called upon, by the highest duties to our country, to its free institutions, to posterity, and to the world, to rise above all local prejudices, and personal partialities, to discard all collateral questions, to disregard every subordinate point, and, in a genuine spirit of compromise and concession, uniting, heart and hand, to preserve for ourselves the blessings of a free government, wisely, honestly, and faithfully administered, and as we received them from our fathers, to transmit them to our children? Should we not justly subject ourselves to eternal reproach, if we permitted our differences about mere men to bring defeat and disaster upon our cause? Our principles are imperishable, but men have but a fleeting existence, and are themselves liable to change and corruption during its brief continuance.

"If my name creates any obstacle to union and harmony, away with it, and concentrate upon some individual more acceptable to all branches of the opposition. What is a public man worth, who is not ready to sacrifice himself for the good of his country? I have unaffectedly desired retirement; I yet desire it, when, consistently with the duties and obligations which I owe, I can honorably retire."

In the ranks of the opposition to the administration were many who had formerly supported the election of General Jackson, and still retained a prejudice against Mr. Clay; there were also in the same ranks, large numbers of anti-masons who were unwilling to support a mason for the presidency, and Mr. Clay had been a member of the lodge; then came the anti-tariff whigs in the southern states, and the squatters on the public lands, at the west; with both of which classes Mr. Clay was unpopular, from the measures advocated by him in Congress being adverse to their views and feelings. In view of these circumstances, and believing that to command success the whig candidate for the presidency must receive the united support of the different branches of the opposition, many of the leading whigs exerted themselves to prevent the nomination of Mr. Clay. It was even charged by those friends who were anxious for his nomination, that intriguers were busy, before the meeting of the convention, by correspondence and otherwise, in circulating false reports with regard to

Mr. Clay's unpopularity, and thus influencing the election of delegates and their action in the convention.

On the meeting of the convention at Harrisburg, three names were presented as candidates for the nomination of a president of the United States, namely, Henry Clay, of Kentucky, General William Henry Harrison, of Ohio, and General Winfield Scott, of the United States army; all three of whom were natives of Virginia. Twenty-two states were represented in the convention, and on an informal ballot *per capita*, it was found that Mr. Clay had a decided plurality, but neither of the candidates had a clear majority of the delegates. It was then determined to vote by states, each state to be entitled to as many votes in the convention as it had electoral votes. On the first ballot, 103 votes were given to Clay, 94 to Harrison, and 57 to Scott; after which, each delegation compared views, and endeavored to ascertain which of the three candidates had the best prospects of success, if nominated. The result of their inquiries was a decided preponderance of chances in favor of General Harrison, and, after being in session three days, the convention took a final ballot, when Harrison received 148 votes, Clay 90, and Scott 16. William H. Harrison was therefore declared duly nominated as the whig candidate for president. John Tyler, of Virginia, was unanimously nominated for vice-president. Mr. Tyler had been a candidate for the same office in 1836; was now a member of the convention, and had been anxious for the nomination of Mr. Clay.

Those friends of Mr. Clay in the convention who had adhered to him as the best candidate, expressed their cordial concurrence in the decision in favor of General Harrison. A letter from Mr. Clay to one of the delegates was read, in which he remarked, that "if the deliberation of the convention should lead them to the choice of another, as the candidate of the opposition, far from feeling any discontent, the nomination would have his best wishes, and receive his cordial support."

The example of Mr. Clay was followed throughout the Union, notwithstanding the first feelings of disappointment with which the decision of the convention was received by many. The nomination of Harrison and Tyler was everywhere popular, and united in its support the entire force of the opposition.

The national democratic convention, consisting of about 250 members, from twenty-one states, met at Baltimore on the 5th of May, 1840. Mr. Van Buren was unanimously nominated for president, and the convention resolved to make no nomination for vice-president, leaving each state to make its own nomination of a candidate for that office. The principal candidates nominated in the different states for vice-president, were the incumbent, Richard M. Johnson, of Kentucky, and James K. Polk, of Tennessee.

The early part of the first session of Congress was taken up, in the

house, in discussions respecting the contested seats of the New Jersey members. That matter being settled, by admitting the democratic claimants to the seats, the house proceeded to the consideration of the subjects submitted to them by the president. Long and able debates took place on the bill for establishing an "independent treasury," which had been twice rejected by the last Congress. It was now passed, toward the close of the session, and was signed by the president on the 4th of July, 1840, when it became a law. A bankrupt law being much called for by the trading community, a bill was introduced at this session, and passed the senate, but was laid on the table in the house of representatives, 101 to 89.

But few laws of general interest were passed at this session. Appropriations for fortifications, and for the usual expenditures of government, were made. An act was passed to refund to Matthew Lyon the amount, with interest, paid by him as a fine for violating the sedition law.

Some changes took place in the cabinet, in addition to those already mentioned. In 1838 Benjamin F. Butler resigned as attorney-general, and Felix Grundy, of Tennessee, was appointed in his place; in 1839 Mr. Grundy resigned, and Henry D. Gilpin, of Pennsylvania, received the appointment in his place; Amos Kendall resigned the office of post-master-general, and John M. Niles, of Connecticut, was appointed in his place, on the 25th of May, 1840.

The elections for state officers in several of the states, during the summer and autumn of 1840, indicated the success of the whigs at the approaching presidential election. The contest of the two great parties at the latter, was the most exciting and arduous ever witnessed in the United States. Electoral tickets in favor of the re-election of Mr. Van Buren were formed in every state in the Union, and the whigs also nominated electors in every state except South Carolina.

A third party, in favor of the abolition of slavery, had also been for some time organized, and now nominated as a candidate for president, James G. Birney, of Michigan.

The result of the election was the success of the whig candidates, Harrison and Tyler, by a large majority in the electoral colleges and on the popular vote. The electoral votes stood, for president, Harrison 234, Van Buren, 60; for vice-president, Tyler 234, R. M. Johnson 48, L. W. Tazewell 11, James K. Polk 1.

The second session of the twenty-sixth Congress was held from the 7th of December, 1840, to the 3d of March, 1841, when their term expired. Very few public acts of interest or importance were passed at this session. Appropriations were made for certain fortifications, and for Indian affairs; and an act was passed authorizing another issue of treasury-notes. A bankrupt law was again discussed, but was not definitely acted upon.

In the senate Mr. Clay offered the following resolution, to test the disposition of the administration party to conform to the expression of public opinion, by repealing the sub-treasury law : “ *Resolved*, That the act entitled, ‘an act for the collection, safe-keeping, transfer, and disbursement of the public revenues,’ ought to be forthwith repealed, and that the committee on finance be instructed to report a bill accordingly.” This resolution was rejected by the senate, and the repeal of the law was left for the new administration.

The public expenditures during this administration greatly exceeded those of any preceding four years, since the war with Great Britain, exclusive of the public debt and the Florida Indian war. Public agents were multiplied, and increased compensation, in many cases, allowed them for their services. Large sums were lost to the national treasury by the defalcation of public officers, and the failure of deposite banks.

The character of Mr. Van Buren’s administration is, of course, differently estimated by his countrymen, according to their political bias or preferences, and our readers may form their own estimate, from a perusal of the preceding brief narrative of the leading political events of this exciting period.

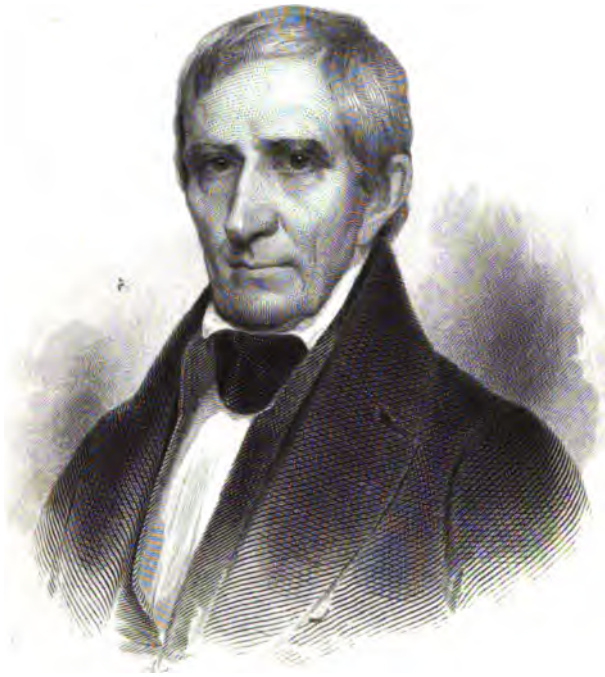
Although a majority of the house of representatives, in the twenty-fifth Congress, was opposed to his administration, or some of his leading measures, Mr. Van Buren did not exercise the veto power during the four years of his presidential term.

A writer in the Democratic Review for April, 1840, makes the following comparison of this with former democratic administrations :—

“The great event of President Jackson’s administration was the contest with the bank of the United States, and its destruction as a federal institution—that of Madison’s was the war—while Jefferson’s was rather a general revolution of the anti-democratic spirit and policy of the preceding administration, than marked by any single salient point of such historical prominence as to give its character and name to the period. The great event of Mr. Van Buren’s administration, by which it will hereafter be known and designated, is the *divorce of bank and state*, in the fiscal affairs of the federal government, and the return, after half a century of deviation, to the original design of the constitution.”

The same writer informs us that Mr. Van Buren remarked to a friend, previous to writing his message recommending the independent treasury : “We can not know how the immediate convulsion may result, but the people will, at all events, eventually come right, and posterity at least will do me justice. Be the present issue for good or for evil, it is for posterity that I will write this message.”





Engraving of W. H. Harrison, by H. H. H.

W. H. Harrison

## BIOGRAPHICAL SKETCH

OF

## WILLIAM HENRY HARRISON.

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THE family of Harrison is one of the most ancient and honorable in the history of Virginia. Among the early settlers of the colony was a lineal descendant of that General Harrison who bore a distinguished part during the civil wars of England, in the army of the Commonwealth.

Benjamin Harrison (of the same stock), the father of the subject of this memoir, was one of the signers of the declaration of independence, and among the most prominent of the illustrious men of his eventful day, having filled the executive chair of the "Old Dominion" at a period when moral daring and personal fearlessness were essential to the incumbent of that station. He was previously an active and influential member, both of the house of burgesses in Virginia, and of the continental Congress. Of the former body he was repeatedly chosen speaker, and in the latter, in June, 1776, he introduced the resolution which declared the independence of the colonies, and on the following fourth of July, as chairman of the committee of the whole, he reported the more formal declaration to which his signature is affixed. Governor Harrison died in 1791, after the most eminent public services, and the expenditure of an ample fortune in the cause of his country.

William Henry Harrison, the third and youngest son of the preceding, and ninth president of the United States, was born on the 9th of February, 1773, at Berkeley, on the James river, in Charles city county, Virginia. On the death of his father, he was placed under the guardianship of his intimate friend, Robert Morris, of Pennsylvania, the great financier of the revolution. Young Harrison was educated at Hampden Sidney college, in his native state, and afterward applied himself to the study of medicine as a profession. But before he had completed his course of studies as a physician, the barbarities of the Indians upon the western frontiers excited a feeling of indignation throughout the country. Har-



ri son resolved to give up his profession and join the army raised for the defence of the Ohio frontier. His guardian, Mr. Morris, attempted to dissuade him from his purpose, but his resolution was not to be shaken, and on communicating with General Washington, that distinguished man cordially approved of the patriotic determination of the son of his deceased friend and associate.

At the age of nineteen, Harrison received from President Washington the commission of ensign in a regiment of artillery, and joined his corps at Fort Washington, on the Ohio, in 1791. A reinforcement was ordered to march for Fort Hamilton, on the Miami, a task which it required no ordinary degree of courage to accomplish, as they had to pass through forests infested by hordes of the hostile tribes, and Harrison was chosen to the command of the body of men forming the escort. The dexterity and skill which he displayed in the prosecution of this arduous duty, gained for him the approbation of his commanding officer, General St. Clair. He rapidly gained the entire confidence of his officers, and in 1792 was promoted to the rank of lieutenant.

During the following year Harrison joined the new army under the command of General Anthony Wayne, an officer whose intrepidity and daring impetuosity, accompanied at the same time with consummate skill, during the war of the revolution, obtained for him the title of "Mad Anthony." It was a period, indeed, worthy of such a man, for the repeated successes and incursions of the savage enemy had not only infused among the people generally, but even throughout the army itself, such terror and dread of these merciless foes, as greatly to paralyze their energies, and to render the duties of the commander extremely arduous and difficult. The instructions, indeed, which were forwarded by Congress to General Wayne, contained the following ominous expression: "Another defeat would prove inexpressibly ruinous to the reputation of the government;" and consequently, in such a critical juncture, every available facility was rendered him. On the 25th of May, 1792, he repaired to Pittsburg, which was selected as the place of rendezvous. The newly-organized army consisted of a major-general, four brigadier-generals, with their respective staffs, the commissioned officers, and over five thousand rank and file; which was designated, "the legion of the United States." Although this collective force had the effect of partially restoring the spirit and energy of the soldiers, they continued to desert in considerable numbers. To remedy this evil, General Wayne applied himself at all intervals of leisure, to the disciplining of his troops, with unremitting assiduity. Thus it must be obvious, that the early military career of Harrison had but few attractions for those who were not, like him, actuated solely by the true spirit of generous patriotism.

Finding all amicable negotiations with the Indians unavailing, no alternative was left to General Wayne but to adopt the most rigid and decisive

measures ; accordingly we find him breaking up his winter quarters, about the end of April, 1793, and transporting his army in boats down the Ohio to Fort Washington, an outpost situated upon the site now occupied by the city of Cincinnati. Having at length received instructions from the secretary of war to commence active operations, he left Fort Washington in October, 1793, and advanced with his army along the southwestern branch of the Miami, where he took up his position, and erected fortifications. To this post he gave the name of Greenville, and here the army went into winter quarters. General Wayne sent a detachment to take possession of the ground on which General St. Clair and his army had been defeated by the Indians two years before. Harrison volunteered for the service, and was accepted by the commander.

The battle-ground was taken possession of by the troops, and a fortification erected, to which the name of Fort Recovery was given. The bones of the soldiers slain on the fatal 4th of November, 1791, were collected, and interred with military honors. The artillery lost on that occasion were recovered ; and on the return of the troops from the expedition, the name of Lieutenant Harrison, among others, was mentioned by General Wayne, in his general order of thanks to the officers and men for their gallant conduct on the occasion.

On the 30th of June, 1794, a fierce attack was made by large numbers of the Indians, upon the newly-constructed works at Fort Recovery ; they were, however, repeatedly repulsed, and the arrival of a body of militia from Kentucky enabled General Wayne to force them to retreat with great loss.

Being reinforced by a body of mounted volunteers from Kentucky. General Wayne advanced seventy miles to Grand Glaize, in the very heart of the Indian territory. Here he erected a fort which he called Defiance, at the confluence of the Maumee and Au Glaize rivers.

Agreeably with his instructions, General Wayne renewed his overtures of peace, which again being rejected by the Indians, he prepared to bring them to a decisive settlement. In the heroic engagement or battle of the Maumee rapids, which ensued, on the 20th of August, 1794, the consummate skill of the general, as well as the valor of his troops, were alike resplendent with the important consequences which resulted from the action: In the official account of this battle, we also find the name of Lieutenant Harrison complimented by the commander-in-chief as his "faithful and gallant aid-de-camp," in having "rendered the most essential service by communicating his orders in every direction, and for his conduct and bravery, in exciting the troops to press for victory." The Indians now proposed to capitulate with General Wayne, and the result was, a treaty of peace was concluded, by which the United States obtained cessions of considerable tracts of land, as well as secured tranquillity to the border settlements. The news of Wayne's victory had a favorable effect upon

our pending negotiations in London, and was supposed to have enabled the American special minister, Mr. Jay, to secure the assent of Lord Grenville to the surrender to the United States of all the forts held and occupied by the British in the northwest, within the jurisdiction of our government. Thus undisputed possession of the territory northwest of the Ohio was obtained, and emigration to that country received a new and favorable impulse.

Not long after the close of this campaign, Harrison was promoted to the rank of captain; and as an additional proof of the confidence reposed in his discretion and ability, by General Wayne, he was placed in command of Fort Washington. While at this place (where Cincinnati now stands), being now about twenty-one years of age, he married the daughter of John Cleves Symmes, the founder of the Miami settlements. "She has been," says Mr. Hall in his memoir, "the faithful companion of this distinguished patriot during the various perils and vicissitudes of his eventful life, and still lives to witness the maturity of his fame, and the honors paid him by a grateful country."

He continued in the army till the close of the year 1797, when, soon after the death of General Wayne, as peace had been ratified with the Indians, and the opportunity to serve his country in the field appeared to exist no longer, he resigned his commission. Scarcely had this event transpired, than he was appointed, by President Adams, secretary and *ex officio* lieutenant-governor of the northwestern territory. While in this station, in October, 1799, he was elected, by the legislature of that territory, their first delegate to Congress. He was at this time about twenty-six years of age, and took his seat in the house of representatives, at the first session of the sixth Congress, in 1799. Previous to proceeding to the seat of government, he resigned his office of secretary of the territory. In 1798, the northwestern territory contained five thousand white male inhabitants, and was admitted as a matter of right to the second grade of government, provided for in the ordinance of 1787. At that time great unanimity prevailed in the territory on political questions; though the states were rent, and almost torn asunder, by party strife. The election of the elder Adams had met with general approbation among the people of the territory, and resolutions had been passed at popular meetings to sustain his administration, against the encroachments of France. An address was adopted by the legislature of 1799, to John Adams, president of the United States, approving of his administration. But few individuals were to be found who then advocated the election of Mr. Jefferson against Mr. Adams. Harrison having early imbibed democratic opinions, was one of the few who preferred Jefferson. His election as delegate to Congress was not effected by a party vote; the same legislature which adopted the address to Mr. Adams with only five dissenting votes, elected Harrison by eleven votes, against ten for Arthur St. Clair, Jr.

Though he represented the territory but one year in Congress, Harrison obtained some important advantages for his constituents. He introduced a joint resolution to subdivide the surveys of the public lands, and to offer them for sale in small tracts; he succeeded in getting that measure through both houses, in opposition to the interest of speculators who were, and who wished to be, the retailers of land to the poorer class of the community. His proposition became a law, and was hailed as the most beneficent act that Congress had ever done for the territory. It put it in the power of every industrious man, however poor, to become a freeholder, and to lay a foundation for the future support and comfort for his family. At the same session, he obtained a liberal extension of time for the pre-emptioners in the northern part of the Miami purchase, which enabled them to secure their farms, and eventually to become independent and even wealthy.\*

Congress, at that session, divided the northwestern territory, by establishing the new territory of Indiana, of which Harrison was appointed governor. He also received the appointment of superintendent of Indian affairs, and resigned his seat in Congress.

The new territory of Indiana then included not only the present state of Indiana, but those of Illinois, Michigan, and Wisconsin. The seat of government was at Vincennes, a village on the Wabash. This large extent of territory, however, contained but a scanty population, and therefore according to the laws of the United States, the executive authority of the territorial government was very extensive. The governor possessed the power of negating bills passed by the territorial legislature, of enforcing the laws, of the appointment of magistrates, of making townships, confirming grants of lands, and other equally onerous duties; which rendered the office one of peculiar and important responsibility. To one of less rigid integrity and scrupulous regard for the public interest, the opportunity was offered for much personal aggrandizement, and the acquisition of great wealth; but this, it is well known, was never dreamed of by the individual who then occupied the trust. He never availed himself of the opportunity to enhance his own private interests, directly or indirectly; and his honor and disinterested integrity were not even suspected.

Besides being superintendent of Indian affairs, he was made commander-in-chief of the militia, and all the officers below the rank of general received their commissions from him. In 1803, Mr. Jefferson appointed him sole commissioner for treating with the Indians. By virtue of this authority, Harrison negotiated, in 1804, a treaty with the Sacs and Foxes, establishing amicable relations with those tribes, and obtaining the cession of the largest tract of country ever yielded by the Indians at one time since the settlement of America, consisting of upward of fifty millions of acres of the valuable region between the river Illinois and the Mississippi, with

\* Judge Burnet's Letters.

a northern boundary stretching from the head of Fox river to a point on the Wisconsin, thirty-six miles above its mouth. Considerable tracts of land between the Ohio and the Wabash, and extending from Vincennes westward to the Mississippi, were likewise purchased by annuities, from the Delaware and Miami Indians.

Such was the high estimation with which his conduct as governor was regarded, that for a period of thirteen years, at the termination of every successive term of office, he was reappointed at the earnest solicitation of the people of the territory, and with the public expression of the most flattering approbation on the part of the president of the United States ; and this, notwithstanding the changes in the administration—his first appointment having been made by Mr. Adams, his second and third by Mr. Jefferson, and the fourth by Mr. Madison.

During the year 1806, the plans of the general government for the civilizing and conciliating the Indian tribes, were entirely frustrated by the intrigues of the two celebrated chiefs of the Shawnee tribe, Tecumseh, and his brother, the Prophet. The aim of these chiefs was, to induce all the surrounding tribes to form a common league against the United States, for the purpose of preventing the settlements of the whites from being extended farther west, and by making a simultaneous attack on the frontier settlements, to expel the whites from the valley of the west. The American government was informed that British emissaries from Canada were employed in forming alliances with the most powerful chiefs, and fomenting their hostility against the people of the United States.

A variety of circumstances invested the Prophet with a prodigious influence over the tribes ; he is said, indeed, to have possessed the faculty of appealing to them more eloquently and gracefully than almost any other Indian. He resorted to every imposture and stratagem of which even an Indian is capable, for the furtherance of his project ; asserting, among other absurdities, that he possessed the power of preventing the bullets of the enemy from taking effect upon his adherents.

In the course of the subsequent year, Governor Harrison received intelligence of the hostile demonstration of the congregated tribes ; in consequence of which he sent a messenger to the Shawnees, strongly reprehending their conduct, and warning them to refrain from further listening to the fatal instructions of the Prophet. The deluded and superstitious Indians, however, disregarding the admonition, continued to collect in great numbers in the vicinity of Fort Wayne, and having entirely neglected their cornfields, they soon began to find themselves in a state bordering upon starvation. Again, in the hope of conciliating them, the governor, with his accustomed humanity and policy, ordered them supplies forthwith from the public stores.

The Prophet had now selected as his residence, a spot situated on the upper part of the Wabash, called Tippecanoe, where his infatuated fol-

lowers soon rejoined him. In July he visited the governor, when, with a cunning and duplicity common to his race, he loudly protested against the evils of war and the use of spirituous liquors, and affected the greatest desire for amity with the Americans. Governor Harrison was, however, too shrewd to be thus imposed upon by these specious pretences, and in his reply told him, that he might come forward and exhibit any title he might have to the lands transferred by the treaty, and that if it was found to be just and equitable, they would be restored, or an ample equivalent given for them. But the results of the interview proved anything but satisfactory to the absurd requirements of the Prophet, as he claimed all the lands that had formerly belonged to the several tribes, and insisted that their disposal could not have been valid but with the consent of all the tribes in common. Accordingly, he redoubled his exertions for the concentration of the western tribes, studiously guarding his movements from the governor, lest he should become apprized of his intentions. He had about him, at this time, one thousand warriors, and these continued to commit the most atrocious deeds of depredation along the frontier, till at length even the governor's house was scarcely considered secure from their hostile attacks.

In September, 1809, a council was convened at Fort Wayne, at which Governor Harrison negotiated with the Miamies, Delawares, Pottawatomies, and Kickapoos, for purchasing a large tract of country on both sides of the Wabash, extending along that river more than sixty miles above Vincennes. Tecumseh, who was at this time absent on a visit to some distant tribes, expressed, on his return, great dissatisfaction, and threatened the lives of some of the chiefs who had concluded the treaty. On hearing this, the governor invited him to come to Vincennes, with the direction that he should not be allowed to bring with him more than thirty warriors; this restriction, however, he evaded, on the pretext of suspecting some treachery on the part of the Americans, and he, instead, brought with him four hundred men, armed. This circumstance alone was sufficient to excite the suspicions of the governor, but when, added to this, the chief refused to hold the council at the appointed place, which was under the portico of the governor's house, and insisted on having it take place under some adjacent trees, his apprehensions were still greater. At this council, held on the 12th of August, 1810, Tecumseh again complained of the alleged injustice of the sale of their lands; to which the governor replied, that as the Miamies had found it to their interest to make the disposal, the Shawnees, from a distant part of the country, could have no just ground for remonstrance, or right to control them in their disposing of the property. Tecumseh fiercely exclaimed, "It is false!" and giving a signal to his warriors, they sprang upon their feet, and seizing their war-clubs and tomahawks, they brandished them in the air, ferociously fixing their eyes upon the governor. The military escort of Harrison on the occasion numbered only twelve, and they were not near his person,

having been directed by him to retire for shelter from the heat, under some adjacent trees.

In this critical moment of excitement, the guard immediately advanced, and would have instantly fired upon the infuriated Indians, had it not been for the coolness and self-possession of Harrison, who, restraining them, and placing his hand upon his sword, said, in a calm, but authoritative tone, to Tecumseh: "You are a bad man: I will have no further talk with you. You must now take your departure from these settlements, and hasten immediately to your camp." On the following day, however, finding he had to deal with one so dauntless, Tecumseh solicited another interview, apologizing for his insolent affront. The precaution was now taken to defend the town, and place the governor in an attitude more likely to command their respect, by having two companies of militia in attendance. At this council the chiefs of five powerful tribes rose up, declaring their determination to stand by Tecumseh; to which the governor replied, that "their decision should be reported to the president;" but adding, that he would most certainly enforce the claims of the treaty. Still anxious, if possible, to conciliate, rather than coerce the haughty chief, he paid him a visit the next day at his camp, when, repeating in substance what has already been given, Tecumseh replied: "Well, as the great chief is to determine the matter, I hope the Great Spirit will put sense enough into his head to induce him to direct you to give up this land. It is true, he is so far off that he will not be injured by the war; he may sit still in his town and drink his wine, while you and I will have to fight it out." Shortly after this, the Shawnee chief withdrew to Tippecanoe, the residence of the Prophet, where he is said to have formed a combination of several tribes.

In July, 1811, another messenger was sent, commissioned by the governor to demand the surrender of two Pottawatomie murderers who were at Tippecanoe, but without the desired effect. Indeed, such were the lawless and daring outrages which they now committed upon the more exposed settlements on the frontier, that at length, through the earnest solicitations of the people, directions were forwarded from the federal government to the governor to march forthwith against the Prophet's town with an armed force, with this injunction, however, "to avoid hostilities of any kind or degree not absolutely necessary." These instructions rendered the situation of Harrison one of great delicacy and responsibility, being equivalent to allowing the Indians the right of commencing the action.

The receipt of the governor's authority was hailed by the settlers with great enthusiasm, as they had long suffered severely from the incursions of these ruthless marauders, and, reposing unlimited confidence in the skill and courage of their commander, they viewed the measure as the only one which could insure to them the continued possession of their property, and even of life itself. Accordingly, a hastily-assembled force

consisting of about nine hundred men, commenced its march from Fort Harrison, which was situated about sixty miles above Vincennes, on the 28th of October. After a protracted and somewhat difficult advance, through open prairies, thick woods, and deep ravines, constantly on the guard against surprise, they arrived within sight of the Indian town. Here the enemy began to appear in considerable numbers. Wearied with the fatigue of their expedition, after a brief conference, the troops encamped; every precaution having been taken, however, to prevent surprise by the savages, as they apprehended an attack during the night.

In conformity to a general order, the troops rested in their clothes and accoutrements, their loaded muskets by their sides, and their bayonets fixed. The officers, of course, rested like the soldiers—the governor being ready to mount his horse in an instant. The night passed without a sound, and the governor and his aids rose a quarter before four, and were conversing around their fire. The new moon had risen, but afforded little light, the sky being obscured by ragged clouds, from which a drizzling rain fell at intervals. In a few minutes the signal would have been given to call the men to arms, when a blaze from Indian rifles lighted up the scene. The savage warriors had crept up as near the sentries as possible, in the darkness, intending to rush forward and despatch them without noise, and then fall upon their sleeping comrades in the camp. But one sentinel discovered what he rightly suspected to be an Indian creeping through the grass, and instantly gave him the contents of his musket. That discharge settled all doubts. Our men were started to their feet by a tremendous yell from a thousand savages, accompanied by a general volley from their rifles, and a desperate charge into the camp. But they found as warm a welcome. Every man rose on the post assigned him, with musket in hand, ready for thrust or rally. The attack centred on the sharp rear angle of the left flank, which was for some minutes exposed to a destructive fire. But this angle was promptly reinforced, and the enemy beaten back with loss, several being killed within the lines of the camp. The fires, which first served to direct the aim of the savage rifle, were promptly extinguished. But the enemy had still the advantage of shelter in the bushes and grass, and a knowledge of the ground, which rendered a charge upon them in the darkness almost certain destruction. An attempt was volunteered to rout them from their hiding-places, by a company headed by the gallant Jo. Daviess, but repulsed with loss, and among the slain was their lamented leader.

The battle still raged with desperation. The savages were bent on victory, and well organized for the contest, advancing and retreating by a rattling noise made with deers' hoofs. The governor was at every point of danger; animating and encouraging the men where hardest pressed, ordering up companies to their support, and courting danger as if unaware of its existence. All of the troops were conducted and formed by



himself. It need not be added that every man stood his ground like a hero.

The battle was fierce, but daylight at length broke on the combatants—a light most welcome to our harassed soldiers—fatal to their foes. The assailed left flank was fully strengthened, the dragoons were mounted, and, covered by them, a general charge was made upon the now baffled and dispirited enemy. The Indians gave way, and were driven into a swamp, through which the cavalry could not force their way. Repulsed in all quarters, the savages disappeared from the field, and the battle of Tippecanoe was at an end.

Such was the extraordinary influence that the Prophet retained over the minds of the infatuated savages, that they are said to have fought with desperate and unprecedented valor on the occasion, although he himself was snugly ensconced on some neighboring eminence, simply regaling his devotees with war-songs, and practising absurd incantations. Tecumseh also was, at the time, absent on a visit to some southern tribes.

The battle of Tippecanoe may unquestionably be regarded as one of the most memorable and decisive engagements ever fought with the Indians. The intrepidity and self-possession of the commander was also signally displayed on the occasion. "In the very heat of the action," says a contemporary record, "his voice was distinctly heard, giving orders in the same cool and collected manner with which he had been accustomed when on drill or parade; nor was his personal bravery less conspicuous, as he was ever foremost in leading on his troops, regardless of the peculiar danger to which he was exposed, from the circumstance of his being known to most of the Indians, and being the marked object of their hostility." In the message of the president to Congress, of December 18th, 1811, the following allusion is made, which is as highly complimentary to the conduct of the governor as it is expressive of the importance attached to the action itself, and it must have been no mean achievement which could win from the federal government such decided terms of approbation and honor. "While it is to be lamented," says Mr. Madison, "that so many valuable lives have been lost in the action which took place on the 9th ult., Congress will see with satisfaction the dauntless spirit and fortitude victoriously displayed by every description of troops engaged, as well as the collected firmness which distinguished their commander on an occasion requiring the utmost exertion of valor and discipline."\*

The decisive blow which Harrison had struck against the Indian

\* The legislatures of Kentucky and Indiana also recorded their resolutions regarding the conduct of Harrison in this battle. The former is as follows: "*Resolved*, That in the late campaign against the Indians on the Wabash, Governor Harrison has, in the opinion of this legislature, behaved like a hero, a patriot, and a general; and that, for his cool, deliberate, skilful, and gallant conduct in the late battle of Tippecanoe, he deserves the warmest thanks of the nation."

power had produced a more powerful effect than all the admonitory efforts of years had accomplished. Several of the tribes sent deputies to wait upon him with assurances of renewed amity, and a disavowal of further connexion with the hostile bands of Tecumseh. In February, 1812, intelligence that no less than eighty Indians, deputies from all the tribes who were engaged in the late hostilities, except the Shawnees, had arrived at Fort Harrison, on their way to Vincennes. Suspicion being again naturally aroused, from their numbers, that a new treachery was designed, the governor sent an expostulation, requiring them to come in less numbers and unarmed; they, however, not only delivered up their arms, but evinced the subdued deportment of men who had been taught to respect the authority of him with whom they had come to treat.

Meanwhile, Tecumseh had returned from the south, and notwithstanding the sad reverse which his cause had sustained during his absence, the commencement of hostilities with Great Britain found for him an ally both able and eager to second his plans, thus neutralizing in part the lasting advantages which otherwise might have accrued from the victory of Tippecanoe. He consequently again renewed his intrigues with greater activity than ever, and he caused the commencement of fresh depredations along the widely-extended borders of Ohio, Indiana, and Illinois, at points so distant from each other as to distract public attention and create an almost universal panic. The declaration of war with Great Britain, it will be remembered, took place on the 18th of June, 1812, and the western people suffered more than has been commonly supposed, from their almost defenceless exposure to the incursions and barbarities of the infuriated savages. Not that they were less energetic in the popular enthusiasm of the measure, for they are known never to have chosen the inane and timid counsel of preferring security to honor, while they emulated, by their deeds of noble daring, in this, the second great struggle for liberty, the stern republican virtues which their patriotic ancestors evinced in the first.

Here, again, are we called upon to notice the distinguishing preference which the whole people of the west bestowed upon General Harrison, in their nomination of him to the head of their armies at a time when the highest order of talents was, of necessity, put in requisition. Governor Harrison was repeatedly honored by consultations from the several parts of the country, and in consequence of a communication received from Governor Scott, of Kentucky, he repaired to Frankfort; and while here he suggested plans of operation which, had they been given some days earlier, would have proved of the most important service in the preservation of Detroit, but which, unhappily for the country, had not been anticipated by the government itself.

The surrender of this city, and with it the army of Hull, had exposed the vast region including western Pennsylvania, Ohio, and what are now

Michigan, Indiana, Illinois, and Missouri, to the enemy's ravages. About this time Governor Harrison received a communication from the war department, which informed him that he had been appointed a brigadier-general in the army of the United States. It is a matter of regret that this appointment had not been conferred upon him at an earlier period, as in that case it is more than probable that the melancholy tragedy of the massacre at the river Raisin would never have occurred. His situation again, at this time, was one of peculiar difficulty, from the paucity in the provisions and clothing of the troops; the demand for these in the Atlantic cities, from the constant failure of the contractors, causing a deficiency which often became alarming. Having received advices informing him that Fort Wayne had become infested by a body of Indians, and in danger of being reduced, Harrison's first movement was to hasten to its relief. Accordingly, on the 5th of September, he marched for that place, but finding his troops were deficient in a supply of flints—a trifling but indispensable article—he was subjected to some delay; but he reached his destination on the 9th of the same month. On the 17th he received a despatch from the president, investing him with the command of the northwestern army, which then nominally amounted to about ten thousand men, undisciplined, unprovided, and scattered over a wide region; added to which he had authority to employ officers, and to draw from the public stores; which reposed in him a trust more extensive and important than was ever deputed to any officer of the United States, if we except, perhaps, Washington and Greene. The immediate objects of the campaign now committed to the sole direction of General Harrison, were the recapture of Detroit by a *coup de main*, the reduction of Malden, in Upper Canada, and the protection of the northwestern border. The point from which the principal movement upon the enemy was to be made, was the rapids of the Miami. The military arrangements extended from Upper Sandusky, on the right, to Fort Defiance, on the left. As it comes not within our province to enumerate the details of this campaign, we shall strictly confine our remarks to the movements of General Harrison, and even our notice of these will necessarily be very brief.

Harrison had scarcely reached his intended theatre of action, when he received intelligence of General Winchester's contemplated movement against the enemy; he immediately ordered a corps of three hundred men to the rapids, and on the following morning he proceeded himself to Lower Sandusky, and there found that General Perkins had also prepared to send a battalion and artillery; but owing to the delay in their transmission, from the bad condition of the roads, they failed to reach the river Raisin before the fatal disaster had occurred. Harrison now determined to proceed to the rapids, to learn personally the situation of General Winchester. In the meantime, however, a reinforcement had been despatched by Colonel Lewis, for the purpose of occupying the village of Frenchtown, and while

on his way thither, General Harrison received the intelligence of the victory which had been gained on the preceding day.

He was finally enabled, on the 20th of January, to reach the camp. Hearing of Proctor's attack, he hastened with all his disposable force to the river Raisin, but was soon met by fugitives from the field of battle, from whom he ascertained the total defeat of Winchester's forces. The temerity of Winchester was the sole cause of his fall; while all that could have been done to prevent the disaster, was done by General Harrison; for had he received timely notice of the exigency of the case, his reinforcement would doubtless have terminated the action in our favor. On the 1st of February, the army having been reorganized and reinforced, their numbers now amounted to eighteen hundred men. Entertaining the confident expectation of ultimately accomplishing his purpose, General Harrison continued to make preparations with unremitting assiduity. He encamped for the winter at a fortified place which, in honor of the governor of Ohio, was called "*Camp Meigs.*" About this period Harrison, who was appointed major-general in the service of the United States, returned to Cincinnati, with the view of procuring and forwarding supplies of provisions and military stores. While engaged in the arduous duties of this campaign, he organized several minor expeditions against the Indians, in order to keep them in proper check.

Early in the spring of 1813, intelligence having been received of a contemplated expedition against Fort Meigs, by the British, accompanied by Tecumseh and six hundred warriors, General Harrison hastened back to the frontier, and immediately summoned three thousand troops from Kentucky, who reached Defiance on the 3d of May, while he himself arrived just in time to receive the enemy's attack. For five days their batteries kept up a constant shower of balls against our defences, although, through the skilful disposition of the commander, with comparatively little effect. Harrison, with his augmented forces, now made a vigorous and simultaneous attack on the enemy's batteries, and, having reduced them, preparations followed for a sortie from the fort, which resulted in triumphant success. The impetuosity of the charge proved irresistible, and, after a severe struggle, our troops drove the enemy from their batteries, notwithstanding they, including their Indian allies, nearly doubled their numbers. This action was one of the most desperate and sanguinary ever fought during the whole border war: it lasted, however, but forty-five minutes, during which time no less than one hundred and eighty were either killed or wounded of the American troops. Thus terminated the glorious defence of Fort Meigs. Harrison soon after left General Green Clay in command of the post.

The unceasing efforts of the British, and the restless spirit of Tecumseh, allowed our troops but little time to recover from their severe fatigues; for in less than two months (being early in July, 1813) the Indians as-

sembled a formidable body of no less than five thousand warriors, and again invested the fortress. In consequence of this, Harrison had a fortification erected at Seneca town, about nine miles up the river, as a reserve for the better protection of his principal depôt at Upper Sandusky. The enemy remained but two days before the fortification, changing their route for Lower Sandusky. On the evening of the 29th, the general received information that the siege of Fort Meigs had been raised; it was of the utmost importance, therefore, that all the troops within reach should be immediately concentrated for the protection of the principal point of defence at Upper Sandusky. The enemy demanded the surrender of the fort, which being refused by its commander, Colonel Crogan, a cannonade was opened, after which they attempted an assault, but being met by a galling fire of musketry, they were repulsed with great loss, and obliged to make a precipitate retreat. On the 18th of August, Commodore Perry, with his fleet, arrived off Sandusky bay, and shortly afterward his celebrated action was fought, which so gloriously resulted in the capture of the enemy's whole fleet. Harrison, meanwhile, collected together his troops, and while Colonel Johnson marched for his station by way of the river Raisin, the general embarked on the 20th of September, with two brigades, for Bass island.

On the 27th the army again embarked, and made a descent upon the Canada shore. Surrounded by his gallant troops, General Harrison now proudly stood upon the ruined breastworks of Malden, from which destruction had been poured upon the frontier, and whence the firebrand and tomahawk of the Indian had gone forth in the work of desolation. In his despatches to the war department, Harrison thus writes: "I will pursue the enemy to-morrow, although there is little probability of overtaking him, as he has upward of one thousand horses, and we have not one in the army." He proceeded, accordingly, on the following day, to Sandwich, but Proctor had fled. "At a convention of the general officers, Harrison informed them," says M'Afee, "that there were but two ways of accomplishing their object; one of which was to follow him up the strait by land; the other, to embark and sail down Lake Erie to Long Point, then march hastily across by land twelve miles to the road, and intercept him." The former plan was unanimously preferred, and consequently adopted. The army rapidly advanced in pursuit of the enemy up the Thames to the Moravian towns. On the 5th of October the enemy were overtaken; Proctor's position was flanked on the left by the Thames, and his right by a swamp, which was occupied by a horde of Indians under the celebrated Tecumseh. General Harrison, on this occasion, adopted a movement which, while it insured an easy victory, evinced a high degree of military skill and promptitude of character—one division of his infantry extending in a double line from the river to the swamp, opposite to Proctor's troops, and the other placed at right angles to the first,

facing the swamp, with the view of preventing the Indians from turning his left flank, and getting into the rear. Observing the enemy's troops to be in open order, that is, with intervals of three or four between the files, which can never successfully resist a charge of cavalry, Harrison instantly ordered Colonel Johnson's mounted regiment, which occupied the front, to dash through the enemy's line in column. This command was brilliantly executed, and the attempt was triumphant, for the British were at once thrown into confusion, and our men wisely taking advantage of their disorder by attacking their broken line in the rear, they were compelled to surrender their arms, and thus a splendid and almost bloodless victory was virtuously achieved, rather by the consummate skill of the general than by the energies of his troops.

The contest with the Indian allies, however, was more severe, as they advanced and poured in a continuous and galling fire, not only upon the cavalry, but also the infantry, which for some time made a great impression upon them. Suddenly, however, the voice of command which had hitherto inspired their courage was hushed: the haughty chief, Tecumseh, had fallen. The Indians, as soon as the event became known, hastily decamped, leaving about thirty of their number dead where the chief had fallen. Thus ended this decisive engagement, which, together with the brilliant victory on the adjacent lake, rescued the whole northwestern territory from the depredations of the savage, and all the accumulated horrors of war; for the Indians, finding themselves no longer sustained by the British, sued for peace, and the result was, an armistice was granted, and finally an amicable arrangement with them ratified by the general government at Washington. The loss on both sides, in the battle of the Thames, was about fifty killed and wounded, while the prisoners taken by the American troops amounted to six hundred.

This event, so important to the security and honor of the country, was hailed with universal rejoicing and gratulations, while all parties participated in the most enthusiastic encomiums upon the magnanimous and heroic conduct of him through whose talents and skill it was accomplished. In his message to Congress of the 7th of December, 1813, Mr. Madison spoke of the result as "signally honorable to Major-General Harrison, by whose military talents it was prepared." And in his speech in Congress, Mr. Cheves thus also alludes to the same subject: "The victory of Harrison was such as would have secured to a Roman general, in the best days of the republic, the honors of a triumph. He put an end to the war in the uppermost Canada."—"The blessings," said Governor Snyder, of Pennsylvania, in his message to the legislature of that state, "of thousands of women and children, rescued from the scalping-knife of the ruthless savage of the wilderness, and from the still more savage Proctor, rest on Harrison and his gallant army." Numerous other contemporaneous records might also be referred to in testimony of the nation's gratitude all

of which, however, with the exception of the resolution which was adopted by both houses of Congress, it is needless to notice. This is as follows :—

*“ Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress be, and they are hereby, presented to Major-General William Henry Harrison, and Isaac Shelby, late governor of Kentucky, and through them to the officers and men under their command, for their gallant and good conduct in defeating the combined British and Indian forces under Major-General Proctor, on the Thames, in Upper Canada, on the fifth day of October, 1813, capturing the British army, with their baggage, camp equipage, and artillery; and that the president of the United States be requested to cause two gold medals to be struck, emblematical of this triumph, and presented to General Harrison and Isaac Shelby, late governor of Kentucky.”*

The pacification of the northwestern border no longer requiring his services, General Harrison despatched his troops to the Niagara frontier, with the view of assisting in the operations then going on in that quarter, although this formed no part of the plan of the campaign he had to execute. On his arrival at Fort Niagara, preparations were being made for an expedition against Burlington heights; these were, however, summarily arrested by the receipt of an order from the war department, directing him to send his troops to Sackett's Harbor, for the defence of that place. He accompanied them thither, and, having no right to command in that district, proceeded at once to Washington. In every city through which he passed he was received with the most enthusiastic demonstrations of respect. He remained in Washington but a few days, being desired by the president to hasten to Ohio, as his presence there would be of important service, both as regarded the peace of the border, the filling up of the regiments intended to be raised in the western states, and other measures then in anticipation.

It will be remembered that the secretary of war at this time was General Armstrong, who, from some unknown cause, appears to have imbibed a strong prejudice against General Harrison, as, from the plan of the campaign for 1814, submitted by him to the president, it was evident that Harrison would no longer be employed in any active service. He also is known to have interfered, on more than one occasion during the winter, with the internal arrangements of the district which Harrison commanded, in contravention to all military etiquette. These circumstances, when contrasted with the almost unlimited powers confided to him by the government during the two previous campaigns, evidently prove them to have been intended as a source of mortification to Harrison; accordingly, he rendered his resignation, which, unfortunately for the country, as Mr. Madison was absent on a visit to Virginia, was, without consulting the president, accepted at the war department. The president himself, in his re-

ply to an appeal from Governor Shelby, is said to have expressed his great regret that he had not received the intimation earlier, as in that case the valuable services of General Harrison would have been preserved to the nation in the ensuing campaign. Thus prematurely, were the efficient military services of General Harrison brought to a close.\* Not the less, however, did he continue to receive fresh tokens of confidence and esteem from Mr. Madison, for in the summer of 1814 he was appointed, in conjunction with Governor Shelby and General Cass, to treat with the Indians in the northwest, at Greenville and the old headquarters of General Wayne; and during the following year, when the treaty of Ghent provided for the pacification of several important tribes, he was placed at the head of the commission.

General Harrison was not permitted by the people to remain long in retirement. In 1816 he was elected to represent the congressional district of Ohio in which he resided, in the house of representatives of the United States. He was chosen to supply a vacancy, and also for the two succeeding years. As in almost every instance where an individual has rendered himself prominently an object of popular regard, we find his conduct at some period of his career the subject of malignity and slander, General Harrison had scarcely taken his seat at Washington when his conduct while in command of the northwestern army, was impugned; this was done by one of the contractors of the army, whose profits, by the integrity of Harrison, had suffered considerable diminution. At the instance of the general, a committee for the full investigation of the charges was appointed, of which Colonel Johnson was chairman; and after a full examination of numerous witnesses, they made a unanimous report, in which they exculpated General Harrison, in the fullest manner, from all the charges brought against him, and paid a high compliment to his patriotism, disinterestedness, and devotion to the public service. This unjust calumny produced serious injury to General Harrison, having caused the postponement of the resolution introduced into the senate for awarding to him the gold medal and the thanks of Congress; it was speedily dissipated, however, as it ultimately was adopted by the senate, and concurred in by the house, with but one dissenting vote.

While a member of the house, General Harrison assiduously labored to accomplish two great political objects; one was a reform in the militia, and the other for the relief of the veteran soldiers who had served in the revolutionary armies, as well as those who had been wounded, or otherwise disabled, in the last war with Great Britain. With respect to the former

\* But although his brilliant and glorious career in the field was ended, during which, for nearly a quarter of a century, he had successfully led his countrymen through every vicissitude and peril to victory, when he could no longer serve them in his military capacity, he retired into private life, too high-minded and disinterested to sacrifice his sense of duty to pecuniary considerations, and disdaining to receive emoluments for services which he could not, consistently with justice to himself, any longer fulfil.



measure, he obtained the appointment of a committee, of which he was chairman, and subsequently brought in a bill; but the aversion which Congress has always displayed for any legislation upon the subject, caused its frequent postponement, till at length, on his retirement from Congress, it was finally dropped altogether, for the want of some one to sustain it. His other project, however, was crowned with success, and the numerous pensioners who received the nation's bounty always regarded General Harrison as their benefactor and friend.

He subsequently took a prominent part in supporting the affirmative of the question of acknowledging the independence of the South American republics, as proposed by Mr. Clay, then speaker of the house; in whose views of a liberal public policy he generally concurred. In the debate on the conduct of General Jackson during the Seminole war, Harrison participated, censuring such acts of General Jackson as he deemed wrong, although giving him credit for patriotic motives, and defending him in those points which he considered right.

In 1819 General Harrison was elected to the senate of Ohio; and in 1824 he was chosen by the people one of the presidential electors of that state, on the ticket formed by the friends of Mr. Clay, and gave his vote for that gentleman for president. The same year, viz., in 1824, he was elected by the legislature a member of the senate of the United States, and soon after taking his seat in that body, the following year, he was appointed chairman of the military committee, in place of General Jackson, who had resigned. He supported the administration of Mr. Adams, and in 1828 was appointed by that president, minister plenipotentiary to the republic of Colombia. Having proceeded immediately upon his mission, he arrived at Bogota in December, 1828. He found the country in a state of confusion, the government little better than a despotism, and the people as lawless as they were ignorant of their rights. His reception, however, was characterized by the most flattering tokens of respect. His plain republican simplicity ultimately caused him to be suspected of favoring the liberal or opposition party, and occasioned a series of petty annoyances, rendering his situation exceedingly irksome. But he was speedily released from his embarrassment on this account, as one of the very first acts of General Jackson's administration, in 1829, was to recall him from the mission. Before leaving Colombia, but after he had become a private citizen, Harrison addressed to General Bolivar his celebrated appeal in favor of constitutional liberty, a document which has often been quoted in North and South America, and which, for its manly vigor, pure principles of republicanism, and fervid eloquence, has always been considered highly honorable to its author, and an evidence of his superior literary attainments.

On his return from Colombia, General Harrison ceased to engage himself in any active pursuits of public life, living in retirement upon his farm

at North Bend, on the Ohio river, a few miles below Cincinnati. Never having sought personal aggrandizement, nor availed himself of his public situation to acquire a fortune, he had not been wealthy; he was, therefore, induced as a means of contributing to his support, to accept the office of clerk to the court of Hamilton county, where he resided, and which station, up to the time of his election to the presidency, he continued to occupy. This circumstance alone exhibits a trait in the character of General Harrison, no less ennobling than it is rare; since he not only proved himself superior to the influence of the specious yet arbitrary forms of conventional life, but he also evinced the greatness of his mind in rising superior to false pride as to selfish ambition in the service of his country.

In 1835 General Harrison was brought forward as a candidate for the presidency of the United States, as successor to General Jackson, at a time when it was generally expected that Mr. Van Buren, then vice-president, would be supported as the democratic candidate for that high office, by the friends of Jackson. Harrison was nominated by meetings of the people in Pennsylvania, Ohio, New York, and other states. Anti-masonic and whig conventions, and those who had supported Jackson, but now refused to vote for Van Buren, joined in sustaining the nomination of Harrison. The opposition were not, however, united in their candidate; Judge Hugh L. White was nominated and supported for the presidency, in Tennessee, Georgia, and other southern and southwestern states, while Daniel Webster received the vote of Massachusetts, and Willie P. Mangum that of South Carolina. The result of the election, which took place in 1836, showed the great popularity of General Harrison. Without any general concert among his friends, he received 73 electoral votes, and in Pennsylvania, Connecticut, and Rhode Island, the majorities for the electoral tickets in favor of Mr. Van Buren were comparatively small.

The national convention of whig delegates which assembled at Harrisburg, the seat of government of Pennsylvania, on the 4th of December, 1839, after a careful and friendly interchange of views with regard to the respective claims and prospects of the three candidates named in the convention, viz., General Harrison, Mr. Clay, and General Scott, finally awarded the nomination to Harrison. The friends of the rival opposition candidates, and all desirous to effect a change in the national administration, cordially united in the nomination; and after a contest more animated and more general than any which ever before occurred in this country, General Harrison was elected to the presidency by an overwhelming vote. He received 234 electoral votes; Mr. Van Buren 60 only. Harrison attended several of the mass meetings of the people in Ohio during the contest, and addressed them in a powerful and eloquent manner.

The elevation of General Harrison to the presidency diffused a general feeling of joy and satisfaction throughout the nation; for many even of

those who had opposed his election, admitted his patriotism, and hoped for a prosperous administration of the government in the hands of one who had always proved faithful to the public trust. In February, 1841, the venerable chief left his peaceful residence at North Bend, Ohio, to proceed to the seat of the national government and take the reins of power committed to him by the voice of the people. He was received at the different cities, towns, and villages, on the route to Washington, by immense concourses of people, anxious to tender him every demonstration of respect, and showing the highest degree of enthusiasm. He arrived at Washington on the 9th of February, and was received by the mayor, aldermen, and citizens of the capital, with distinguished honor and cordial welcome. A few days afterward, he visited Richmond, Virginia, and mingled freely with the citizens; after spending a few days with his relatives residing on James river, in the vicinity of Richmond, he returned to Washington, preparatory to assuming the responsible duties of his station.

The inauguration of General Harrison as president of the United States, took place on the 4th of March, 1841. The city of Washington was thronged with people, many of whom were from the most distant states of the Union. A procession was formed, civic and military, from the quarters of the president elect to the capitol. General Harrison was mounted on a white charger, accompanied by several personal friends, and his immediate escort were the officers and soldiers who had fought under him. The scene, as described in the National Intelligencer, was highly interesting and imposing. The ladies everywhere, from the windows on each side of the avenue, waved their handkerchiefs in token of their kind feelings, and General Harrison returned their smiles and greetings with repeated bows. The enthusiastic cheers of the citizens who moved in the procession were, with equal enthusiasm, responded to by thousands of citizen spectators who lined Pennsylvania avenue, or appeared at the side windows, in the numerous balconies, on the tops of houses, or on other elevated stands.

At the capitol, the senate having been convened, by the late president, in extra session, assembled at the appointed hour, and was organized by the appointment of Mr. King, of Alabama, president *pro tem.*; after which Mr. Tyler, the vice-president elect, took the oath of office, and, on taking his seat as presiding officer, delivered a brief and appropriate address to the senate. The judges of the supreme court, the diplomatic corps, and several distinguished officers of the army and navy were present in the senate-chamber.

At twenty minutes past twelve o'clock, General Harrison entered and took the seat prepared for him in front of the secretary's table. He looked cheerful, but composed; his bodily health was manifestly good; there was an alertness in his movement which was quite astonishing, considering his advanced age, the multiplied hardships through which

his frame had passed, and the fatigues he had lately undergone. After he had retained his seat for a few minutes, preparations were made for forming the line of procession to the platform prepared for the ceremony of the inauguration, erected over the front steps of the portico of the east front of the capitol.

On the platform, seats had been provided for the president elect and the chief-justice, who were placed immediately in front. On their right, seats were assigned to the diplomatic corps. Behind sat members of both houses of Congress, officers of the army and navy, and many distinguished characters from different parts of the Union; intermingled with a great company of ladies who occupied, not only the steps in the rear of the platform, but both the broad abutments of stone which support the steps on either side.

But the sight which attracted and arrested and filled the eye of the observer, was the people. They stood for hours in a solid, dense mass, variously estimated to contain, in the space before the capitol, from thirty to sixty thousand.

While patiently waiting for the arrival of the president, the mass of heads resembled some placid lake; but the instant he was seen advancing from the capitol, it suddenly resembled that same lake when a blast from the mountain has descended upon it, thrown it into tumultuous agitation, and "lifted up its hands on high." A deafening shout went up from the hearts and voices of the people. It sung welcome to the man whom the people delighted to honor, and must have met, with overwhelming power, the throbbings of his own bosom.\*

When the uproar had subsided, it was succeeded by the deep stillness of expectation, and the new president forthwith proceeded to read, in accents loud and clear, his address to the nation. In its delivery, the voice of General Harrison never flagged, but to the end retained its full and commanding tone. As he touched on successive topics lying near the hearts of the people, their sympathy with his sentiments was manifested by shouts which broke forth involuntarily from time to time; and when the reading of the address was concluded, they were renewed and prolonged without restraint.

Previous to delivering the closing sentences of the address, the oath of office, tendered by Chief-Justice Taney, was taken by the president, in tones loud, distinct, and solemn, manifesting a due and a deep impression of the importance of the act; after which the president pronounced the remaining passage of his address.

The pealing cannon then announced to the country that it had a new chief magistrate. The procession was again formed; and setting out from the capitol, proceeded along Pennsylvania avenue to the mansion of the president, cheered throughout the whole route as General Harrison passed,

\* National Intelligencer.

by the immense crowds on foot, which lined the avenue and filled the doors and windows of the buildings.

Nearly the whole throng of visitors accompanied the president to his new abode, and as many as possible entered and paid their personal respects to him. The close of the day was marked by the repetition of salutes from the artillery, the whole city being yet alive with a population of strangers and residents, whom the mildness of the season invited into the open air.

In the evening, the several ball-rooms and places of amusement were crowded with gentlemen and ladies attracted to Washington city by the novelty and interest of the occasion. In the course of the evening the president paid a short visit to each of the assemblies held in honor of the inauguration, and was received with the warmest demonstrations of attachment and respect.

The president immediately nominated to the senate the members of his cabinet, as follows : Daniel Webster, of Massachusetts, secretary of state ; Thomas Ewing, of Ohio, secretary of the treasury ; John Bell, of Tennessee, secretary of war ; George E. Badger, of North Carolina, secretary of the navy ; Francis Granger, of New York, postmaster-general ; John J. Crittenden, of Kentucky, attorney-general. These nominations were all confirmed by the senate. That body also confirmed a number of other nominations by the president, chiefly to fill vacancies ; and, after electing a sergeant-at-arms, and dismissing Messrs. Blair and Rives as printers to the senate, also having elected Samuel L. Southard, of New Jersey, president *pro tem.*, the senate adjourned on the 15th of March.

The members of the diplomatic body, or foreign ministers in Washington accredited to the government of the United States, waited on the president on the 9th of March, and through Mr. Fox, the British minister, being presented by the secretary of state, made to him an appropriate address, congratulating him upon his accession to the presidency. To this address the president of the United States made the following reply :—

“ SIR : I receive with great pleasure the congratulations you have been pleased to offer me, in the name of the distinguished diplomatic body now present, the representatives of the most powerful and polished nations with whom the republic which has honored me with the office of its chief magistrate has the most intimate relations—relations which I trust no sinister event will, for ages, interrupt.

“ The sentiments contained in my late address to my fellow-citizens, and to which you have been pleased to advert, are those which will continue to govern my conduct through the whole course of my administration. Lately one of the people, the undisputed sovereigns of the country, and coming immediately from among them, I am enabled, with confidence, to say, that in thus acting I shall be sustained by their undivided approbation.

"I beg leave to add, sir, that, both from duty and inclination, I shall omit nothing in my power to contribute to your own personal happiness and that of the friends whom, on this occasion, you represent, as long as you may continue among us."

The other ministers, with their secretaries, and the persons attached to their respective missions, were then successively presented to the president. The Russian minister was prevented from being present, by indisposition; but on the 12th of March he was presented to the president, by the secretary of state, and to his address on the occasion, the president replied as follows:—

"I receive, sir, the congratulations which you offer me in your capacity of envoy extraordinary and minister plenipotentiary of the emperor of all the Russias, upon my election to the presidency of the United States, with great pleasure.

"From the epoch which introduced the United States to the world as an independent nation, the most amicable relations have existed between them and the powerful and distinguished monarchs who have successively swayed the sceptre of Russia. The presidents, my predecessors, acting in behalf and under the authority of the people, their constituents, have never failed to use every proper occasion to confirm and strengthen the friendship so auspiciously commenced, and which a mutuality of interests, render so desirable to be continued. I assure you, sir, that none of them felt the obligations of this duty more powerfully than I do; and you can not in language too strong communicate to your august monarch my sentiments on this subject. And permit me to add, that no more acceptable medium of communicating them could have been offered than that of a personage who has rendered himself so acceptable, as well to the people as to the government of the United States."

On the 17th of March, President Harrison issued his proclamation, calling an extra session of Congress, principally on account of the condition of the revenue and finances of the country, to be held on the last Monday, being the 31st day, of May ensuing.

The extra sessions of Congress called by the predecessors of General Harrison, since the organization of the government, were as follows: John Adams convened Congress on the 16th of May, 1797; Thomas Jefferson called the eighth Congress on the 17th of October, 1803, to provide for carrying the Louisiana treaty into effect, but that day was only about three weeks earlier than had been fixed by the preceding Congress; James Madison convened Congress on the 23d of May, 1809; also on the 25th of May, 1813; Martin Van Buren convened Congress on the 4th of September, 1837.

Mrs. Harrison did not accompany her husband to Washington, but remained at the homestead at North Bend, superintending the care of her numerous family, and intending to join the president at the seat of gov-

ernment in the course of the spring; but the family and the nation were destined soon to receive a mournful lesson upon the mutability of human affairs.

From the moment General Harrison was elected president, his heart was filled with gratitude to the people, to whom indeed he had always been devoted. Anxious to fulfil the wishes of his political friends, he received with kindness and attention the numerous applicants for office who thronged the seat of government; and although he would doubtless have been better pleased to have deferred many appointments for a time, yet a considerable number of removals were made by him, and appointments made, in compliance with the views of the cabinet, during the month of March. In the generosity of his heart, he invariably opened the doors of the president's mansion wide to the reception of his friends, and that house was the abode of hospitality and kindness. He indulged his friends to his own destruction. From sunrise till midnight, he indulgently devoted himself to his fellow-citizens who visited him, with the exception of an hour each day spent in cabinet council. It was his habit, after rising, first to peruse his bible, and then to take a walk before breakfast. And afterward, the whole day would be spent in receiving company and transacting business.

On Saturday, March 27, President Harrison, after several days previous indisposition from the effects of a cold, was seized with a chill and other symptoms of fever. These were followed by pneumonia, or bilious pleurisy, which ultimately baffled all medical skill, and terminated his virtuous, useful, and illustrious life, on Sunday morning, the 4th of April, after an illness of eight days, being a little over 68 years of age.

The last time the president spoke was at nine o'clock on Saturday night, a little more than three hours before he expired. While Doctor Worthington and one or two other attendants were standing over him, having just administered something to his comfort, he cleared his throat, as if desiring to speak audibly, and, as though he fancied himself addressing his successor, or some official associate in the government, said: "SIR, I WISH YOU TO UNDERSTAND THE PRINCIPLES OF THE GOVERNMENT. I WISH THEM CARRIED OUT. I ASK NOTHING MORE."

He expired a little after midnight, surrounded by those members of his family who were in the city, the members of his cabinet and many personal friends, among whom were Colonels Chambers and Todd, who were the aids of General Harrison at the battle of the Thames, in 1813. The connexions of the president who were present in the executive mansion at the time of his decease, were the following: Mrs. William Harrison (son's widow); Mrs. Taylor, of Richmond (niece); Mr. D. O. Coupeland (nephew); Henry Harrison, of Virginia (grand nephew), and Findlay Harrison, of Ohio (grandson).

The general feeling throughout the country was thus eloquently por-

trayed in the National Intelligencer of April 9, 1841, which contained an account of the funeral:—

“Never, since the time of Washington, has any one man so concentrated upon himself the love and confidence of the American people; and never, since the melancholy day which shrouded a nation in mourning for his sudden death, has any event produced so general and so profound a sensation of surprise and sorrow.

“So brief had been the late president’s illness, that now, as in the case of Washington, there had scarce been time for us to begin to fear, when the stunning blow of the reality fell upon us like the stroke of thunder from a cloudless sky. Men looked aghast, and staggered, as if amazed by something they could scarce believe. But it was true. He who, with beaming countenance, passed along our streets in the joy of his heart—he, the welcome, the long-expected, the desired, on whom all eyes were fastened, to whom all hearts went out; who had within him more stirring subjects of exhilarating consciousness than have met in any single bosom since Washington was crowned with wreaths as he came back from Yorktown, was, on Wednesday last, within one month, ‘one little month,’ borne along that same crowded avenue—crowded, not as before, with a jubilant people gathered from every quarter of the country, but with sincerely sorrowing multitudes following his bier. When the words, ‘the president is dead,’ met the ear, the man of business dropped his pen, the artisan dropped his tools—children looked into the faces of their parents, and wives into the countenances of their husbands—and the wail of sorrow arose as if each had lost a parent, or some near and dear friend. Could General Harrison now look down on the land he loved, he might, indeed, ‘read his history in a nation’s eyes;’ and those whose bosoms glow and struggle with high purposes and strong desires for their country’s good, may learn in what they now behold, wherever they turn their eyes, how glorious a reward awaits the memory of those who faithfully serve their country!”

On Wednesday, the 7th of April, the funeral of President Harrison took place at Washington, and was attended by an immense concourse of citizens, who thronged to the city from Baltimore, Philadelphia, Alexandria, and other places, anxious to join in the honors and solemnities paid to the memory of the illustrious deceased. The civic and military procession was large and imposing, occupying two miles in length. The funeral service of the episcopal church was recited by the Rev. Mr. Hawley. The body was interred in the congressional burying ground, but afterward removed to North Bend, Ohio, at the request of the family of General Harrison.

All party distinctions were merged in the feeling of respect due to the memory of the honored dead; and throughout the Union, funeral honors and other testimonials of public feeling, similar to those which took place on the death of General Washington, were awarded to the memory of Harrison. At every city, town, and village, in the Union, as the unwelcome



tidings of the death of the president arrived, it was received with every demonstration of mourning and regret, and followed immediately by such marks of respect as the several communities had it in their power to offer. Such legislative bodies as happened to be in session, were among the foremost to demonstrate their sympathy with the general impulse. That exhibited by the legislature of Maryland, in leaving the seat of the state government, and attending the funeral as an organized body, was among the most touching evidences of the kind. The Pennsylvania legislature deputed a number of members from each branch of that body, to proceed from Harrisburg to Washington, to attend the funeral. The legislature of New York adopted such measures as the occasion enabled them to do, to testify their feelings. The respective courts, wherever they were in session, officially united in the general expression, as did also the municipalities of all the principal cities and towns in the Union. The occasion was also appropriately noticed by the clergy of the different denominations.

General Harrison left one son and three daughters, all living at or near North Bend, Ohio. Four sons and a daughter died before their father. All of the sons left children.

In person, General Harrison was tall and slender. Although he never had the appearance of possessing a robust constitution, yet such had been the effects of habitual activity and temperance, that few men at his age enjoyed so much bodily vigor. He had a fine dark eye, remarkable for its keenness, fire, and intelligence, and his face was strongly expressive of the vivacity of his mind, and the benevolence of his character.

The most remarkable traits of General Harrison's character, and those by which he was distinguished throughout his whole career, were his disinterestedness, his regard for the rights and comforts of others, his generous disposition, his mild and forbearing temper, and his plain, easy, and unostentatious manner.

He had a most intimate knowledge of the history, and foreign and domestic polity of the United States; and from the moderation of his political views and feelings as a party man, although firm, frank, and consistent, he was well calculated for the high station to which he was elected, and which it is believed he would have filled with ability, and to the satisfaction of the public, during his presidential term, had his life been spared. His talents, although, perhaps, not of the highest order, were very respectable, and, united with an accurate knowledge of mankind, enabled him to acquit himself well in the various public stations to which he was called. He was a bold and eloquent orator; and he has left on record numerous evidences of his literary acquirements, among which, besides his correspondence and public papers, we may mention his discourse before the Historical Society of Ohio (on the aborigines of the valley of the Ohio), published at Cincinnati, in 1839, which can not fail to please and instruct either the scholar, the lover of history, or the antiquary.

# HARRISON'S INAUGURAL ADDRESS.

MARCH 4, 1841.

**CALLED** from a retirement which I had supposed was to continue for the residue of my life, to fill the chief executive office of this great and free nation, I appear before you, fellow-citizens, to take the oath which the constitution prescribes as a necessary qualification for the performance of its duties. And in obedience to a custom coeval with our government, and what I believe to be your expectations, I proceed to present to you a summary of the principles which will govern me in the discharge of the duties which I shall be called upon to perform.

It was the remark of a Roman consul, in an early period of that celebrated republic, that a most striking contrast was observable in the conduct of candidates for offices of power and trust, before and after obtaining them—they seldom carrying out in the latter case the pledges and promises made in the former. However much the world may have improved, in many respects, in the lapse of upward of two thousand years since the remark was made by the virtuous and indignant Roman, I fear that a strict examination of the annals of some of the modern elective governments would develop similar instances of violated confidence.

Although the fiat of the people has gone forth, proclaiming me the chief magistrate of this glorious Union, nothing upon their part remaining to be done, it may be thought that a motive may exist to keep up the delusion under which they may be supposed to have acted in relation to my principles and opinions; and perhaps there may be some in this assembly who have come here either prepared to condemn those I shall now deliver, or, approving them, to doubt the sincerity with which they are uttered. But the lapse of a few months will confirm or dispel their fears. The outline of principles to govern, and measures to be adopted by an administration not yet begun, will soon be exchanged for immutable history, and I shall stand, either exonerated by my countrymen, or classed with the mass of those who promised that they might deceive, and flattered with the intention to betray.

However strong may be my present purpose to realize the expectations of a magnanimous and confiding people, I too well understand the infirmities of human nature, and the dangerous temptations to which I shall be exposed, from the magnitude of the power which it has been the will of the people to commit to my hands, not to place my chief confidence upon the aid of that Almighty Power which has hitherto protected me, and enabled me to bring to favorable issues other important but still greatly inferior trusts, heretofore confided to me by my country.

The broad foundation upon which our constitution rests being the people—a breath of theirs having made, as a breath can unmake, change, or modify it—it can be assigned to none of the great divisions of government but to that of democracy. If such is its theory, those who are called upon

to administer it must recognise, as its leading principle, the duty of shaping their measures, so as to produce the greatest good to the greatest number. But, with these broad admissions, if we could compare the sovereignty acknowledged to exist in the mass of the people with the power claimed by other sovereignties, even by those which have been considered most purely democratic, we shall find a most essential difference. All others lay claim to power limited only by their own will. The majority of our citizens, on the contrary, possess a sovereignty with an amount of power precisely equal to that which has been granted to them by the parties to the national compact, and nothing beyond. We admit of no government by divine right: believing that, so far as power is concerned, the beneficent Creator has made no distinction among men, that all are upon an equality, and that the only legitimate right to govern is an express grant of power from the governed. The constitution of the United States is the instrument containing the grant of power to the several departments composing the government. On an examination of that instrument, it will be found to contain declarations of power granted, and of power withheld. The latter is also susceptible of division into power which the majority had the right to grant, but which they did not think proper to intrust to their agents, and that which they could not have granted, not being possessed by themselves. In other words, there are certain rights possessed by each individual American citizen, which, in his compact with the others, he has never surrendered. Some of them, indeed, he is unable to surrender; being, in the language of our system, inalienable.

The boasted privilege of a Roman citizen was to him a shield only against a petty provincial ruler, while the proud democrat of Athens could console himself under a sentence of death, for a supposed violation of the national faith, which no one understood, and which at times was the subject of the mockery of all, or of banishment from his home, his family, and his country, with or without an alleged cause: that it was the act, not of a single tyrant, or hated aristocracy, but of his assembled countrymen. Far different is the power of our sovereignty. It can interfere with no one's faith, prescribe forms of worship for no one's observance, inflict no punishment but after well-ascertained guilt, the result of investigation under forms prescribed by the constitution itself. These precious privileges, and those scarcely less important of giving expression to his thoughts and opinions, either by writing or speaking, unrestrained but by the liability for injury to others, and that of a full participation in all the advantages which flow from the government, the acknowledged property of all, the American citizen derives from no charter granted from his fellow-man. He claims them because he is himself a man, fashioned by the same Almighty hand as the rest of his species, and entitled to a full share of the blessings with which he has endowed them.

Notwithstanding the limited sovereignty possessed by the people of the United States, and the restricted grant of power to the government which they have adopted, enough has been given to accomplish all the objects for which it was created. It has been found powerful in war, and, hitherto, justice has been administered, an intimate union effected, domestic tranquillity preserved, and personal liberty secured to the citizen. As was to be expected, however, from the defect of language, and the necessarily sententious manner in which the constitution is written, disputes have arisen as to the amount of power which it has actually granted, or was intended to grant. This is more particularly the case in relation to that part of the

instrument which treats of the legislative branch. And not only as regards the exercise of powers claimed under a general clause, giving that body the authority to pass all laws necessary to carry into effect the specified powers, but in relation to the latter also. It is, however, consolatory to reflect that *most* of the instances of alleged departure from the letter or spirit of the constitution have ultimately received the sanction of a majority of the people. And the fact, that many of our statesmen, most distinguished for talent and patriotism, have been, at one time or other of their political career, on both sides of each of the most warmly disputed questions, forces upon us the inference that the errors, if errors there were, are attributable to the intrinsic difficulty, in many instances, of ascertaining the intentions of the framers of the constitution, rather than the influence of any sinister or unpatriotic motive.

But the great danger to our institutions does not appear to me to be in a usurpation, by the government, of power not granted by the people, but by the accumulation, in one of the departments, of that which was assigned to others. Limited as are powers which have been granted, still enough have been granted to constitute a despotism, if concentrated in one of the departments. This danger is greatly heightened, as it has always been observable that men are less jealous of encroachments of one department upon another, than upon their own reserved rights.

When the constitution of the United States first came from the hands of the convention which formed it, many of the sternest republicans of the day were alarmed at the extent of the power which had been granted to the federal government, and more particularly of that portion which had been assigned to the executive branch. There were in it features which appeared not to be in harmony with their ideas of a simple representative democracy, or republic. And knowing the tendency of power to increase itself, particularly when executed by a single individual, predictions were made that, at no very remote period, the government would terminate in virtual monarchy. It would not become me to say that the fears of these patriots have been already realized. But, as I sincerely believe that the tendency of measures, and of men's opinions, for some years past, has been in that direction, it is, I conceive, strictly proper that I should take this occasion to repeat the assurances I have heretofore given, of my determination to arrest the progress of that tendency, if it really exists, and restore the government to its pristine health and vigor, as far as this can be effected by any legitimate exercise of the power placed in my hands.

I proceed to state, in as summary a manner as I can, my opinion of the sources of the evils which have been so extensively complained of, and the correctives which may be applied. Some of the former are unquestionably to be found in the defects of the constitution; others, in my judgment, are attributable to misconstruction of some of its provisions. Of the former is the eligibility of the same individual to a second term of the presidency. The sagacious mind of Mr. Jefferson early saw and lamented this error, and attempts have been made, hitherto without success, to apply the amendatory power of the states to its correction.

As, however, one mode of correction is in the power of every president, and consequently in mine, it would be useless, and perhaps invidious, to enumerate the evils of which, in the opinion of many of our fellow-citizens, this error of the sages who framed the constitution may have been the source, and the bitter fruits which we are still to gather from it, if it continues to disfigure our system. It may be observed, however, as a general

remark, that republics can commit no greater error than to adopt or continue any feature in their systems of government which may be calculated to create or increase the love of power in the bosoms of those to whom necessity obliges them to commit the management of their affairs. And surely nothing is more likely to produce such a state of mind than the long continuance of an office of high trust. Nothing can be more corrupting, nothing more destructive of all those noble feelings which belong to the character of a devoted republican patriot. When this corrupting passion once takes possession of the human mind, like the love of gold, it becomes insatiable. It is the never-dying worm in his bosom, grows with his growth, and strengthens with the declining years of its victim. If this is true, it is the part of wisdom for a republic to limit the service of that officer, at least, to whom she has intrusted the management of her foreign relations, the execution of her laws, and the command of her armies and navies, to a period so short as to prevent his forgetting that he is the accountable agent, not the principal—the servant, not the master. Until an amendment of the constitution can be effected, public opinion may secure the desired object. I give my aid to it by renewing the pledge heretofore given, that, under no circumstances, will I consent to serve a second term.

But if there is danger to public liberty from the acknowledged defects of the constitution, in the want of limit to the continuance of the executive power in the same hands, there is, I apprehend, not much less from a misconstruction of that instrument, as it regards the powers actually given. I can not conceive that, by a fair construction, any or either of its provisions would be found to constitute the president a part of the legislative power. It can not be claimed from the power to recommend, since, although enjoined as a duty upon him, it is a privilege which he holds in common with every other citizen. And although there may be something more of confidence in the propriety of the measures recommended in the one case than in the other, in the obligations of ultimate decision there can be no difference. In the language of the constitution, "all the legislative powers" which it grants "are vested in the Congress of the United States." It would be a solecism in language to say that any portion of these is not included in the whole.

It may be said, indeed, that the constitution has given to the executive the power to annul the acts of the legislative body by refusing to them his assent. So a similar power has necessarily resulted from that instrument to the judiciary; and yet the judiciary forms no part of the legislature. There is, it is true, this difference between these grants of power: the executive can put his negative upon the acts of the legislature, for other cause than that of want of conformity to the constitution, while the judiciary can only declare void those which violate that instrument. But the decision of the judiciary is final in such a case, whereas, in every instance where the veto of the executive is applied, it may be overcome by a vote of two-thirds of both houses of Congress. The negative upon the acts of the legislative, by the executive authority, and that in the hands of one individual, would seem to be an incongruity in our system. Like some others of a similar character, however, it appears to be highly expedient; and if used only with the forbearance and in the spirit which was intended by its authors, it may be productive of great good, and be found one of the best safeguards to the Union.

At the period of the formation of the constitution, the principle does not

appear to have enjoyed much favor in the state governments. It existed but in two, and in one of these there was a plural executive. If we would search for the motives which operated upon the purely patriotic and enlightened assembly which framed the constitution, for the adoption of a provision so apparently repugnant to the leading democratic principle, that the majority should govern, we must reject the idea that they anticipated from it any benefit to the ordinary course of legislation. They knew too well the high degree of intelligence which existed among the people, and the enlightened character of the state legislatures, not to have the fullest confidence that the two bodies elected by them would be worthy representatives of such constituents, and, of course, that they would require no aid in conceiving and maturing the measures which the circumstances of the country might require. And it is preposterous to suppose that a thought could for a moment have been entertained that the president, placed at the capital, in the centre of the country, could better understand the wants and wishes of the people than their own immediate representatives, who spend a part of every year among them, living with them, often laboring with them, and bound to them by the triple tie of interest, duty, and affection. To assist or control Congress, then, in its ordinary legislation, could not, I conceive, have been the motive for conferring the veto power on the president. This argument acquires additional force from the fact of its never having been thus used by the first six presidents—and two of them were members of the convention, one presiding over its deliberations, and the other having a larger share in consummating the labors of that august body than any other person. But if bills were never returned to Congress by either of the presidents above referred to, upon the ground of their being inexpedient, or not as well adapted as they might be to the wants of the people, the veto was applied upon that of want of conformity to the constitution, or because errors had been committed from a too hasty enactment.

There is another ground for the adoption of the veto principle which had probably more influence in recommending it to the convention than any other. I refer to the security which it gives to the just and equitable action of the legislature upon all parts of the Union. It could not but have occurred to the convention that, in a country so extensive, embracing so great a variety of soil and climate, and, consequently, of products, and which, from the same causes, must ever exhibit a great difference in the amount of the population of its various sections, calling for a great diversity in the employments of the people, that the legislation of the majority might not always justly regard the rights and interests of the minority; and acts of this character might be passed, under an express grant by the words of the constitution, and, therefore, not within the competency of the judiciary to declare void; that however enlightened and patriotic they might suppose, from past experience, the members of Congress might be, and however largely partaking, in general, of the liberal feelings of the people, it was impossible to expect that bodies so constituted should not sometimes be controlled by local interests and sectional feelings. It was proper, therefore, to provide some umpire, from whose situation and mode of appointment more independence and freedom from such influences might be expected. Such a one was afforded by the executive department, constituted by the constitution. A person elected to that high office, having his constituents in every section, state, and subdivision of the Union, must consider himself bound by the most solemn sanctions, to guard, protect,

and defend, the rights of all, and of every portion, great or small, from the injustice and oppression of the rest. I consider the veto power, therefore, given by the constitution to the executive of the United States, solely as a conservative power: to be used only, 1st, to protect the constitution from violation; 2dly, the people from the effects of hasty legislation, where their will has been probably disregarded or not well understood; and, 3dly, to prevent the effects of combinations violative of the rights of the minorities. In reference to the second of these objects, I may observe that I consider it the right and privilege of the people to decide disputed points of the constitution, arising from the general grant of power to Congress to carry into effect the powers expressly given. And I believe, with Mr. Madison, "that repeated recognitions under varied circumstances, in acts of the legislative, executive, and judicial branches of the government, accompanied by indications in different modes of the concurrence of the general will of the nation, afford to the president sufficient authority for his considering such disputed point as settled."

Upward of half a century has elapsed since the adoption of our present form of government. It would be an object more highly desirable than the gratification of the curiosity of speculative statesmen, if its precise situation could be ascertained, a fair exhibit made of the operations of each of its departments, of the powers which they respectively claim and exercise, of the collisions which have occurred between them, or between the whole government and those of the states, or either of them. We could then compare our actual condition, after fifty years' trial of our system, with what it was in the commencement of its operations, and ascertain whether the predictions of the patriots who opposed its adoption, or the confident hopes of its advocates, have been best realized. The great dread of the former seems to have been, that the reserved powers of the state would be absorbed by those of the federal governments, and a consolidated power established, leaving to the states the shadow, only, of that independent action for which they had so zealously contended, and on the preservation of which they relied as the last hope of liberty. Without denying that the result to which they looked with so much apprehension is in the way of being realized, it is obvious that they did not clearly see the mode of its accomplishment. The general government has seized upon none of the reserved rights of the states. As far as any open warfare may have gone, the state authorities have amply maintained their rights. To a casual observer, our system presents no appearance of discord between the different members which compose it. Even the addition of many new ones has produced no jarring. They move in their respective orbits in perfect harmony with the central head, and with each other. But there is still an under current at work, by which, if not seasonably checked, the worst apprehensions of our anti-federal patriots will be realized. And not only will the state authorities be overshadowed by the great increase of power in the executive department of the general government, but the character of that government, if not its designation, be essentially and radically changed. This state of things has been, in part, effected by causes inherent in the constitution, and in part, by the never-failing tendency of political power to increase itself.

By making the president the sole distributor of all the patronage of the government, the framers of the constitution do not appear to have anticipated at how short a period it would become a formidable instrument to control the free operations of the state governments. Of trifling importance

at first, it had, early in Mr. Jefferson's administration, become so powerful as to create great alarm in the mind of that patriot, from the potent influence it might exert in controlling the freedom of the elective franchise. If such could have then been the effects of its influence, how much greater must be the danger at this time, quadrupled in amount, as it certainly is, and more completely under the control of the executive will, than their construction of their powers allowed, or the forbearing characters of all the early presidents permitted them to make? But it is not by the extent of its patronage alone that the executive department has become dangerous, but by the use which it appears may be made of the appointing power, to bring under its control the whole revenues of the country. The constitution has declared it to be the duty of the president to see that the laws are executed; and it makes him the commander-in-chief of the armies and navy of the United States. If the opinion of the most approved writers upon that species of mixed government, which, in modern Europe, is termed *monarchy*, in contradistinction to *despotism*, is correct, there was wanting no other addition to the powers of our chief magistrate to stamp a monarchical character on our government, but the control of the public finances. And to me it appears strange indeed, that any one should doubt that the entire control which the president possesses over the officers who have the custody of the public money, by the power of removal with or without cause, does, for all mischievous purposes at least, virtually subject the treasure also to his disposal.

The first Roman emperor, in his attempt to seize the sacred treasure, silenced the opposition of the officer to whose charge it had been committed, by a significant allusion to his sword. By a selection of political instruments for the care of the public money, a reference to their commissions by a president would be quite as effectual an argument as that of Cæsar to the Roman knight. I am not insensible of the great difficulty that exists in devising a proper plan for the safekeeping and disbursement of the public revenues, and I know the importance which has been attached by men of great abilities and patriotism to the divorce, as it is called, of the treasury from the banking institutions. It is not the divorce which is complained of, but the unhallowed union of the treasury with the executive department which has created such extensive alarm. To this danger to our republican institutions, and that created by the influence given to the executive through the instrumentality of the federal officers, I propose to apply all the remedies which may be at my command. It was certainly a great error in the framers of the constitution, not to have made the officer at the head of the treasury department entirely independent of the executive. He should at least have been removable only upon the demand of the popular branch of the legislature. I have determined never to remove a secretary of the treasury without communicating all the circumstances attending such removal to both houses of Congress. The influence of the executive in controlling the freedom of the elective franchise through the medium of the public officers can be effectually checked by renewing the prohibition published by Mr. Jefferson, forbidding their interference in elections, further than giving their own votes; and their own independence secured by an assurance of perfect immunity, in exercising this sacred privilege of freemen under the dictates of their own unbiased judgments. Never, with my consent, shall an officer of the people, compensated for his services out of their pockets, become the pliant instrument of executive will.



There is no part of the means placed in the hands of the executive, which might be used with greater effect, for unhallowed purposes, than the control of the public press. The maxim which our ancestors derived from the mother-country, that "the freedom of the press is the great bulwark of civil and religious liberty," is one of the most precious legacies which they left us. We have learned, too, from our own as well as the experience of other countries, that golden shackles, by whomsoever or by whatever pretence imposed, are as fatal to it as the iron bonds of despotism. The presses in the necessary employment of the government should never be used "to clear the guilty, or to varnish crimes." A decent and manly examination of the acts of the government should be not only tolerated but encouraged.

Upon another occasion I have given my opinion, at some length, upon the impropriety of executive interference in the legislation of Congress. That the article in the constitution making it the duty of the president to communicate information, and authorizing him to recommend measures, was not intended to make him the source of legislation, and, in particular, that he should never be looked to for schemes of finance. It would be very strange, indeed, that the constitution should have strictly forbidden one branch of the legislature from interfering in the origination of such bills, and that it should be considered proper that an altogether different department of the government should be permitted to do so. Some of our best political maxims and opinions have been drawn from our parent isle.

There are others, however, which can not be introduced in our system without singular incongruity, and the production of much mischief. And this I conceive to be one. No matter in which of the houses of parliament a bill may originate, nor by whom introduced, a minister, or a member of the opposition, by the fiction of law, or rather of constitutional principle, the sovereign is supposed to have prepared it agreeably to his will, and then submitted it to parliament for their advice and consent. Now, the very reverse is the case here, not only with regard to the principle but the forms prescribed by the constitution. The principle certainly assigns to the only body constituted by the constitution (the legislative body) the power to make laws, and the forms even direct that the enactment should be ascribed to them. The senate, in relation to revenue bills, have the right to propose amendments; and so has the executive, by the power given him to return them to the house of representatives, with his objections. It is in his power, also, to propose amendments in the existing laws, suggested by his observations upon their defective or injurious operation. But the delicate duty of devising schemes of revenue should be left where the constitution has placed it—with the immediate representatives of the people. For similar reasons, the mode of keeping the public treasure should be prescribed by them; and the further removed it may be from the control of the executive, the more wholesome the arrangement, and the more in accordance with republican principle.

Connected with this subject is the character of the currency. The idea of making it exclusively metallic, however well intended, appears to me to be fraught with more fatal consequences than any other scheme, having no relation to the personal rights of the citizen that has ever been devised. If any single scheme could produce the effect of arresting, at once, that mutation of condition by which thousands of our most indigent fellow-citizens, by their industry and enterprise, are raised to the possession of wealth, that is the one. If there is one measure better calculated than another to pro-

duce that state of things so much deprecated by all true republicans, by which the rich are daily adding to their hoards, and the poor sinking deeper into penury, it is an exclusive metallic currency. Or if there is a process by which the character of the country for generosity and nobleness of feeling may be destroyed by the great increase and necessary toleration of usury, it is an exclusive metallic currency.

Among the other duties of a delicate character which the president is called upon to perform, is the supervision of the government of the territories of the United States. Those of them which are destined to become members of our great political family, are compensated by their rapid progress from infancy to manhood, for the partial and temporary deprivation of their political rights. It is in this district only, where American citizens are to be found, who, under a settled system of policy, are deprived of many important political privileges, without any inspiring hope as to the future. Their only consolation, under circumstances of such deprivation, is that of the devoted exterior guards of a camp—that their sufferings secure tranquillity and safety within.

Are there any of their countrymen who would subject them to greater sacrifices, to any other humiliations than those essentially necessary to the security of the object for which they were thus separated from their fellow-citizens? Are their rights alone not to be guaranteed by the application of those great principles upon which all our constitutions are founded? We are told by the greatest of British orators and statesmen, that, at the commencement of the war of the revolution, the most stupid men in England spoke of "their American subjects." Are there, indeed, citizens of any of our states who have dreamed of *their subjects* in the District of Columbia? Such dreams can never be realized by any agency of mine.

The people of the District of Columbia are not the subjects of the people of the states, but free American citizens. Being in the latter condition when the constitution was formed, no words used in that instrument could have been intended to deprive them of that character. If there is anything in the great principles of inalienable rights, so emphatically insisted upon in our Declaration of Independence, they could neither make, nor the United States accept, a surrender of their liberties, and become the *subjects*, in other words, the slaves, of their former fellow-citizens. If this be true, and it will scarcely be denied by any one who has a correct idea of his own rights as an American citizen, the grant to Congress of exclusive jurisdiction in the District of Columbia, can be interpreted, so far as respects the aggregate people of the United States, as meaning nothing more than to allow to Congress the controlling power necessary to afford a free and safe exercise of the functions assigned to the general government by the constitution. In all other respects, the legislation of Congress should be adapted to their peculiar position and wants, and be conformable with their deliberate opinions of their own interests.

I have spoken of the necessity of keeping the respective departments of the government, as well as all the other authorities of our country, within their appropriate orbits. This is a matter of difficulty in some cases, as the powers which they respectively claim are not defined by very distinct lines. Mischievous, however, in their tendencies, as collisions of this kind may be, those which arise between the respective communities, which for certain purposes compose one nation, are much more so; for no such nation can long exist without the careful culture of those feelings of con-

fidence and affection which are the effective bonds of union between free and confederate states. Strong as is the tie of interest, it has been often found ineffectual. Men, blinded by their passions, have been known to adopt measures for their country in direct opposition to all the suggestions of policy. The alternative, then, is to destroy or keep down a bad passion by creating and fostering a good one; and this seems to be the corner-stone upon which our American political architects have reared the fabric of our government. The cement which was to bind it, and perpetuate its existence, was the affectionate attachment between all its members. To insure the continuance of this feeling, produced at first by a community of dangers, of sufferings, and of interests, the advantages of each were made accessible to all.

No participation in any good, possessed by any member of an extensive confederacy, except in domestic government, was withheld from the citizen of any other member. By a process attended with no difficulty, no delay, no expense but that of removal, the citizen of one might become the citizen of any other, and successively of the whole. The lines, too, separating powers to be exercised by the citizens of one state from those of another, seem to be so distinctly drawn as to leave no room for misunderstanding. The citizens of each state unite in their persons all the privileges which that character confers, and all that they might claim as citizens of the United States; but in no case can the same person, at the same time, act as the citizen of two separate states, and *he is therefore positively precluded from any interference with the reserved powers of any state but that of which he is, for the time being, a citizen.* He may indeed offer to the citizens of other states his advice as to their management, and the form in which it is tendered is left to his own discretion and sense of propriety.

It may be observed, however, that organized associations of citizens, requiring compliance with their wishes, too much resemble the *recommendations* of Athens to her allies, supported by an armed and powerful fleet. It was, indeed, the ambition of the leading states of Greece to control the domestic concerns of the others, that the destruction of that celebrated confederacy, and subsequently of all its members, is mainly to be attributed. And it is owing to the absence of that spirit that the Helvetic confederacy has for so many years been preserved. Never have there been seen in the institutions of the separate members of any confederacy more elements of discord. In the principles and forms of government and religion, as well as in the circumstances of the several cantons, so marked a discrepancy was observable as to promise anything but harmony in their intercourse or permanency in their alliance. And yet, for ages, neither has been interrupted. Content with the positive benefits which their union produced—with the independence and safety from foreign aggression which it secured—the sagacious people respected the institutions of each other, however repugnant to their own principles and prejudices.

Our confederacy, fellow-citizens, can only be preserved by the same forbearance. Our citizens must be content with the exercise of the powers with which the constitution clothes them. The attempt of those of one state to control the domestic institutions of another, can only result in feelings of distrust and jealousy, and are certain harbingers of disunion, violence, civil war, and the ultimate destruction of our free institutions. Our confederacy is perfectly illustrated by the terms and principles gov-

erning a common copartnership. There a fund of power is to be exercised under the direction of the joint counsels of the all'ed members, but that which has been reserved by the individuals is intangible by the common government, or the individual members composing it. To attempt it finds no support in the principles of our constitution. It should be our constant and earnest endeavor mutually to cultivate a spirit of concord and harmony among the various parts of our confederacy. Experience has abundantly taught us that the agitation by citizens of one part of the Union of a subject not confided to the general government, but exclusively under the guardianship of the local authorities, is productive of no other consequences than bitterness, alienation, discord, and injury to the very cause which is intended to be advanced. Of all the great interests which appertain to our country, that of union—cordial, confiding, fraternal union—is by far the most important, since it is the only true and sure guarantee of all others.

In consequence of the embarrassed state of business and the currency, some of the states may meet with difficulty in their financial concerns. However deeply we may regret anything imprudent or excessive in the engagements into which states have entered for purposes of their own, it does not become us to disparage the state governments, nor to discourage them from making proper efforts for their own relief; on the contrary, it is our duty to encourage them, to the extent of our constitutional authority, to apply their best means, and cheerfully to make all necessary sacrifices and submit to all necessary burdens to fulfil their engagements and maintain their credit; for the character and credit of the several states form part of the character and credit of the whole country. The resources of the country are abundant, the enterprise and activity of our people proverbial; and we may well hope that wise legislation and prudent administration, by the respective governments, each acting within its own sphere, will restore former prosperity.

Unpleasant and even dangerous as collisions may sometimes be, between the constituted authorities or the citizens of our country, in relation to the lines which separate their respective jurisdictions, the result can be of no vital injury to our institutions, if that ardent patriotism, that devoted attachment to liberty, that spirit of moderation and forbearance for which our countrymen were once distinguished, continue to be cherished. If this continues to be the ruling passion of our souls, the weaker feelings of the mistaken enthusiast will be corrected, the Utopian dreams of the scheming politician dissipated, and the complicated intrigues of the demagogue rendered harmless. The spirit of liberty is the sovereign balm for every injury which our institutions receive. On the contrary, no care that can be used in the construction of our government, no division of powers, no distribution of checks in its several departments, will prove effectual to keep us a free people, if this spirit is suffered to decay; and decay it will without constant nurture. To the neglect of this duty, historians agree in attributing the ruin of all the republics with whose existence and fall their writings have made us acquainted. The same causes will ever produce the same effects; and as long as the love of power is a dominant passion of the human bosom, and as long as the understandings of men can be warped, and their affections changed by operations upon their passions and prejudices, so long will the liberty of a people depend on their own constant attention to its preservation.

The danger to all well-established free governments arises from the un

willingness of the people to believe in its existence, or from the influence of designing men, diverting their attention from the quarter whence it approaches to a source from which it can never come. This is the old trick of those who would usurp the government of their country. In the name of democracy they speak, warning the people against the influence of wealth and the danger of aristocracy. History, ancient and modern, is full of such examples. Cesar became the master of the Roman people and the senate, under the pretence of supporting the democratic claims of the former against the aristocracy of the latter; Cromwell, in the character of protector of the liberties of the people, became the dictator of England; and Bolivar possessed himself of unlimited power, with the title of his country's liberator. There is, on the contrary, no single instance on record of an extensive and well-established republic being changed into an aristocracy. The tendency of all such governments in their decline is to monarchy; and the antagonist principle to liberty there, is, the spirit of faction—a spirit which assumes the character, and, in times of great excitement, imposes itself upon the people as the genuine spirit of freedom, and like the false Christs whose coming was foretold by the Savior, seeks to, and, were it possible, would, impose upon the true and most faithful disciples of liberty. It is in periods like this that it behooves the people to be most watchful of those to whom they have intrusted power. And although there is at times much difficulty in distinguishing the false from the true spirit, a calm and dispassionate investigation will detect the counterfeit, as well by the character of its operations as the results that are produced. The true spirit of liberty, although devoted, persevering, bold, and uncompromising in principle—that secured, is mild, and tolerant, and scrupulous as to the means it employs; while the spirit of party, assuming to be that of liberty, is harsh, vindictive, and intolerant, and totally reckless as to the character of the allies which it brings to the aid of its cause. When the genuine spirit of liberty animates the body of a people to a thorough examination of their affairs, it leads to the excision of every excrescence which may have fastened itself upon any of the departments of the government, and restores the system to its pristine health and beauty. But the reign of an intolerant spirit of party among a free people seldom fails to result in a dangerous accession to the executive power introduced and established amid unusual professions of devotion to democracy.

The foregoing remarks relate almost exclusively to matters connected with our domestic concerns. It may be proper, however, that I should give some indications to my fellow-citizens of my proposed course of conduct in the management of our foreign relations. I assure them, therefore, that it is my intention to use every means in my power to preserve the friendly intercourse which now so happily subsists with every foreign nation; and that, although, of course, not well informed as to the state of any pending negotiations with any of them, I see in the personal characters of the sovereigns, as well as in the mutual interest of our own and of the governments with which our relations are most intimate, a pleasing guarantee that the harmony so important to the interests of their subjects, as well as our citizens, will not be interrupted by the advancement of any claim or pretension upon their part to which our honor would not permit us to yield. Long the defender of my country's rights in the field, I trust that my fellow-citizens will not see in my earnest desire to preserve peace with foreign powers any indication that their rights will ever be sacrificed,

or the honor of the nation tarnished, by any admission on the part of their chief magistrate unworthy of their former glory.

In our intercourse with our aboriginal neighbors, the same liberality and justice which marked the course prescribed to me, by two of my illustrious predecessors, when acting under their direction in the discharge of the duties of superintendent and commissioner, shall be strictly observed. I can conceive of no more sublime spectacle—none more likely to propitiate an impartial Creator—than a rigid adherence to the principles of justice on the part of a powerful nation in its transactions with a weaker and uncivilized people, whom circumstances have placed at its disposal.

Before concluding, fellow-citizens, I must say something to you on the subject of the parties at this time existing in our country. To me it appears perfectly clear, that the interest of that country requires that the violence of the spirit, by which those parties are at this time governed, must be greatly mitigated, if not entirely extinguished, or consequences will ensue which are appalling to be thought of. If parties in a republic are necessary to secure a degree of vigilance sufficient to keep the public functionaries within the bounds of law and duty, at that point their usefulness ends. Beyond that they become destructive of public virtue, the parents of a spirit antagonist to that of liberty, and, eventually, its inevitable conqueror.

We have examples of republics, where the love of country and of liberty at one time were the dominant passions of the whole mass of citizens, and yet, with the continuance of the name and form of free government, not a vestige of these qualities remaining in the bosom of any one of its citizens. It was the beautiful remark of a distinguished English writer, that "in the Roman senate Octavius had a party, and Antony a party, but the commonwealth had none." Yet the senate continued to meet in the temple of liberty, to talk of the sacredness and beauty of the commonwealth, and gaze at the statues of the elder Brutus and of the Curtii and Decii. And the people assembled in the forum, not as in the days of Camillus and the Scipios, to cast their free votes for annual magistrates or pass upon the acts of the senate, but to receive from the hands of the leaders of the respective parties their share of the spoils, and to shout for one or the other, as those collected in Gaul, or Egypt, and the Lesser Asia, would furnish the larger dividend. The spirit of liberty had fled, and, avoiding the abodes of civilized man, had sought protection in the wilds of Scythia or Scandinavia: and so, under the operation of the same causes and influences, it will fly from our capitol and our forums. A calamity so awful, not only to our country, but the world, must be deprecated by every patriot, and every tendency to a state of things likely to produce it immediately checked. Such a tendency has existed—does exist.

Always the friend of my countrymen, never their flatterer, it becomes my duty to say to them from this high place to which their partiality has exalted me, that there exists in the land a spirit hostile to their best interests—hostile to liberty itself. It is a spirit contracted in its views, selfish in its object. It looks to the aggrandizement of a few, even to the destruction of the interest of the whole. The entire remedy is with the people. Somethir, however, may be effected by the means which they have placed in my hands. It is union that we want—not of a party for the sake of that party—but a union of the whole country for the sake of the whole country—for the defence of its interests and its honor against foreign aggression—for the defence of those principles for which our ancestors so gloriously contended. As far as it depends upon me, it shall

be accomplished. All the influence that I possess, shall be exerted to prevent the formation at least of an executive party in the halls of the legislative body. I wish for the support of no member of that body to any measure of mine that does not satisfy his judgment and his sense of duty to those from whom he holds his appointment, nor any confidence in advance from the people, but that asked for by Mr. Jefferson, "to give firmness and effect to the legal administration of their affairs."

I deem the present occasion sufficiently important and solemn to justify me in expressing to my fellow-citizens a profound reverence for the Christian religion, and a thorough conviction that sound morals, religious liberty, and a just sense of religious responsibility, are essentially connected with all true and lasting happiness; and to that good Being who has blessed us by the gifts of civil and religious freedom, who watched over and prospered the labors of our fathers, and has hitherto preserved to us institutions far exceeding in excellence those of any other people, let us unite in fervently commending every interest of our beloved country in all future time.

[Here the oath of office was administered by Chief-Justice TANEY.]

Fellow-citizens: Being fully invested with that high office to which the partiality of my countrymen has called me, I now take an affectionate leave of you. You will bear with you to your homes the remembrance of the pledge I have this day given to discharge all the high duties of my exalted station according to the best of my ability; and I shall enter upon their performance with entire confidence in the support of a just and generous people.

## A P R O C L A M A T I O N .

MARCH 17, 1841.

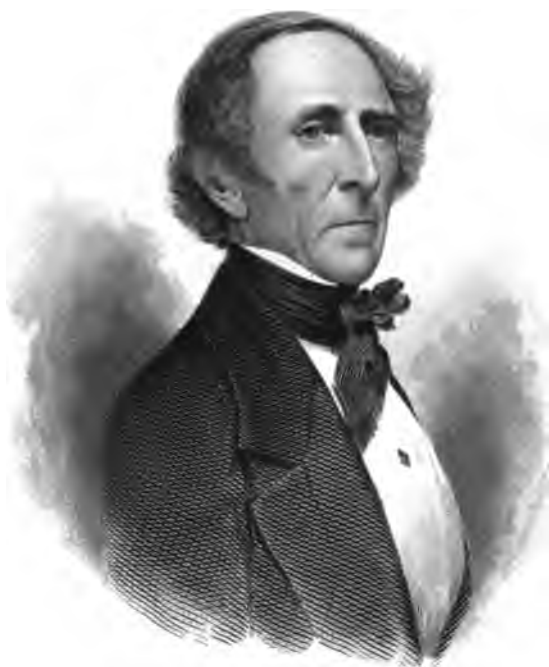
WHEREAS, sundry important and weighty matters, principally growing out of the condition of the revenue and finances of the country, appear to me to call for the consideration of Congress at an earlier day than its next annual session, and thus form an extraordinary occasion, such as renders necessary, in my judgment, the convention of the two houses as soon as may be practicable, I do, therefore, by this my proclamation, convene the two houses of Congress, to meet in the capitol, at the city of Washington, on the last Monday, being the thirty-first day, of May next, and I require the respective senators and representatives then and there to assemble, in order to receive such information respecting the state of the Union as may be given to them, and to devise and adopt such measures as the good of the country may seem to them, in the exercise of their wisdom and discretion, to require.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, and signed the same with my hand.

Done at the city of Washington, this seventeenth day of March, in the year of our Lord one thousand eight hundred and forty-one, and of the independence of the United States the sixty-fifth.







REPRODUCED BY THE NATIONAL ARCHIVES

John Tyler ~

## BIOGRAPHICAL SKETCH

OF

## JOHN TYLER.

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THE ancestors of John Tyler, the tenth president of the United States, and the sixth chief magistrate of the nation whose birthplace was Virginia, were among the early English settlers of the Old Dominion. This family of Tyler, it is understood, traced their lineage back to Walter, or Wat Tyler, who, in the fourteenth century, headed an insurrection in England, and, while demanding of the king (Richard II.) a recognition of the rights of the people, lost his life in their cause.

The father of the subject of this sketch, bearing the same name, was the second son of John Tyler, who was marshal of the colony, under the royal government, up to the period of his death, which occurred after the remonstrances against the stamp act, and whose patrimonial estate covered a large tract of country in and about Williamsburg. The son early entered with warmth and spirit into the discussion of those grievances which afterward kindled the flame of the revolution; and so earnestly were his sympathies enlisted in the cause of colonial rights, and so unhesitatingly were his opinions expressed, that his father, the marshal, often told him that he would some day be hung for a rebel. A rebel he did indeed prove, but his consequent exaltation was destined to be, not the scaffold, but the chair of state. Removing from James City, some time in 1775, to Charles City, he was, not long after, elected from that county a member of the house of delegates of Virginia, and in that capacity distinguished himself by the zeal and fearlessness with which he advocated the boldest measures of the revolution, and the devotion with which he lent all the energies of a powerful mind to its success.\*

The intimate friend of Jefferson, Patrick Henry, and Edmund Randolph, he was scarcely less beloved by the entire people of Virginia.

\* We are indebted to a life of President Tyler, written by one of his friends, and published by Harper and Brothers, in 1844, for a part of this sketch.

Throughout the revolution, Mr. Tyler devoted himself unceasingly and untiringly to its success. A bold, free, and elegant speaker, his voice was never silent when it could avail aught for the great cause in which he was enlisted; and possessing an ample fortune at the commencement of the revolution—partly the inheritance of his father, but more the result of his own industry as a distinguished lawyer of the colony—the liberality with which he lavished his wealth upon its progress, and the utter disregard of selfish considerations with which he sacrificed his whole time during its continuance, to aid in bringing it to a successful termination, left him almost utterly impoverished at its close. None appreciated better than the people of Virginia the great services he had rendered, and the patriotic sacrifices he had made to the cause of independence; and he was elevated by them successively to the offices of speaker of the house of delegates, governor of the state, and judge in one of her highest courts. At the breaking out of the last war, he was appointed, by Mr. Madison, a judge of the federal court of admiralty. In February, 1813, he died, full of years and honors. The legislature passed resolutions expressive of their sense of the bereavement, and went into mourning for the remainder of the session.

Judge Tyler left three sons, Wat, John, and William, the second of whom, the subject of this memoir, was born in Charles City county, Virginia, on the 29th of March, 1790. Passing over the period of his early youth, when he was noted for his love of books, and particularly of historical works, we find young Tyler, at the age of twelve years, entering William and Mary college. Here he soon attracted the notice of Bishop Madison, the venerable president of that institution; and during his whole collegiate course, Mr. Tyler was, in an especial degree, a favorite of that distinguished man, as well as of his fellow-students. He passed through the courses at the age of seventeen, and on that occasion delivered an address on the subject of "female education," which was pronounced by the faculty to have been the best commencement oration delivered there within their recollection.

After leaving college, Mr. Tyler devoted himself to the study of law, already commenced during his collegiate studies, and passed the next two years in reading, partly with his father, and partly with Edmund Randolph, formerly governor of Virginia, and one of the most eminent lawyers in the state. At nineteen years of age, he appeared at the bar of his native county as a practising lawyer, a certificate having been given him without inquiry as to his age; and such was his success, that ere three months had elapsed there was scarcely a disputable case on the docket of the court in which he was not retained upon the one side or the other. The year after his appearance at the bar, he was offered a nomination as member of the legislature from his own county, but he declined the proffered honor, until the following year, when, having reached the age of twenty-

one but a few days before the election took place, he was chosen nearly unanimously, a member of the house of delegates.

He took his seat in that branch of the Virginia legislature in December, 1811. The breaking out of the war soon after, afforded fine scope for his oratorical abilities. Attached to the democratic party, and an advocate of the course of policy which had been pursued by Jefferson and Madison, in the limited sphere he then occupied, his voice was ever heard urging, so far as lay in the power of the government, the most energetic measures in carrying on the war. He spoke often, with the view of improving his powers of oratory; and the youthful debater had the gratification to find, that even in the forum of Virginia, the country of eloquence, his speeches commanded universal attention.

The senators in Congress from Virginia at that time, were Messrs. Giles and Brent, who had been instructed by the legislature to vote against the renewal of the charter of the bank of the United States. This instruction was disobeyed by Mr. Brent, in his vote on the question, in February, 1811, and Mr. Tyler introduced a resolution of censure into the house of delegates, animadverting severely upon the course of the senator, and laying it down as a principle to be established thereafter, that any person accepting the office of senator of the United States from the state of Virginia, by such acceptance tacitly bound himself to obey, during the period he should serve, the instructions he might receive from its legislature. Twenty-five years afterward he had not forgotten the ideas of senatorial duty he then inculcated, when, himself a senator, he was called upon to record a vote not less repugnant to his judgment than to his conscience. Mr. Tyler was elected to the legislature for five successive years; and, as an instance of his popularity in his native county, it may be mentioned, that on one occasion he received all the votes polled except five. Some years later, when a candidate for Congress, of the two hundred votes given in the same county, he received all but one, over a distinguished competitor.

At the time the British forces were in the Chesapeake bay, and threatened an attack on Norfolk and Richmond, Mr. Tyler evinced a disposition to serve his country in the field as well as in the halls of legislation, by raising a volunteer company, and devoting himself assiduously to effecting an efficient organization of the militia in his neighborhood. Hence the title of "Captain Tyler," which was applied to him, in ridicule, when president of the United States. In the sequel, the troops under his command were not brought into action, and his military career was, consequently, short and bloodless.

During the session of 1815-'16, while he was still a member of the house of delegates, Mr. Tyler was elected one of the executive council, in which capacity he acted until November, 1816, when, by the death of the Hon. John Clopton, a vacancy occurred in the representation in

Congress, from the Richmond district. Two candidates were presented, Mr. Andrew Stevenson, afterward distinguished in the national councils, and then speaker of the house of delegates, and Mr. Tyler. The contest was severe, and enlisted to a great extent the public feeling, though it produced no cessation of the friendly relations which had always existed between the two opposing candidates. Mr. Stevenson was a most popular man in Richmond, his place of residence, but Mr. Tyler's popularity was not less great in his own and the neighboring counties; and, after a closely contested canvass, Mr. Tyler was elected, by a majority of only about thirty votes. It was a mere trial of personal popularity, as they were both of the same political principle; and when Mr. Tyler retired from Congress, in 1821, he warmly advocated the election of Mr. Stevenson as his successor.

Mr. Tyler took his seat in the house of representatives in December, 1816, having reached the twenty-sixth year of his age the previous month of March. As a new member, custom, not less than the modesty which is ever the accompaniment of merit, prohibited him from taking a very active part in the proceedings of the house. Yet even during this period he was not idle, but occasionally participated in the discussions which occupied the short portion of time for which he had been elected.

Having witnessed the inauguration of President Monroe, Mr. Tyler returned home to his constituents, in March, 1817, and the following month he received a testimonial of their approbation, in his re-election to Congress by an overwhelming majority over his former rival, Mr. Stevenson.

In the fifteenth Congress many subjects of magnitude were brought forward and discussed. Among them were the Seminole war and the South American question. Mr. Clay, the speaker, introduced a proposition to acknowledge the independence of the provinces of Rio de la Plata, against which Mr. Tyler voted. He supported the resolutions of censure on the conduct of General Jackson in the Seminole war, taking the same view as some of his colleagues and Mr. Clay on that subject. The question of internal improvements by the general government was agitated at this session, as it had been by the previous Congress; on both occasions Mr. Tyler voted against all the propositions offered in the house which countenanced the doctrine of the possession of the power by the general government, under the constitution, to make internal improvements. Thus he avowed on, all occasions, the state-rights or strict construction doctrines of the dominant party in Virginia, on constitutional points. The conduct of the directors of the bank of the United States, which institution was chartered in 1816, was the subject of investigation at this session of Congress, and Mr. Tyler was placed on the committee appointed to inspect the concerns of the bank. When the report of the committee was made, Mr. Tyler supported a resolution offered by Mr. Trimble of Kentucky, requiring that a *scire facias* should be issued immediately against the bank.

In his speech on this occasion, Mr. Tyler avowed his belief that the creation of this corporation was unconstitutional.

In 1819, Mr. Tyler was re-elected to Congress, there being no opposing candidate. He took an active part in the debates on the Missouri question, and on the proposed revision of the tariff. He opposed any restrictions upon Missouri, on the admission of that state into the Union; and also made an elaborate argument against the policy of a protective tariff. Ere the close of this Congress, increasing ill health compelled Mr. Tyler to resign his seat in that body. Placed on the committee of ways and means, at a time when the financial affairs of the country were in a most disordered condition, his whole time and energies were devoted to the fulfilment of his duties, and constant labor and confinement made fearful inroads upon a constitution not strong by nature. He left the house of representatives, carrying with him the reputation of an eloquent speaker, a constant advocate of popular rights, and a democrat of the school of Jefferson. He retired to his farm in Charles City county, among constituents who approved of his course in Congress, and were conscious that naught but physical inability had compelled him to leave their service.

Mr. Tyler now returned to the practice of his profession, but he was not suffered long to remain in private life. In the spring of 1823, after much urgent solicitation, he consented to become again a candidate for the legislature, and was elected with little or no opposition, and, in December, took his seat in that body which had been so early familiar to him. He soon took the lead in the debates of the house of delegates, and during the two years which followed, he having been twice re-elected, performed a most conspicuous part in all the proceedings. There was little of the legislation of Virginia at that period that did not bear the impress of his hands. He was an ardent advocate of a comprehensive system of public improvement by the state. He regretted to see Virginia gradually falling from the high estate she had occupied in the Union; and he put forth his utmost efforts to arrest the downward progress of the commonwealth, and to arouse her dormant energies to a display of her vast resources. He was not wholly unsuccessful. The construction of roads and canals was liberally encouraged by the legislature, and many of the finest works in the state are monuments to the indefatigable exertions of John Tyler.

In December, 1825, Mr. Pleasants's term of office having expired, Mr. Tyler was elected governor of Virginia. The office, unsolicited and unexpected, was conferred upon him by a large vote, there being, on joint ballot of the two houses of the legislature, for Tyler 131, for Floyd 81, scattering 2. During his administration of Virginia, Mr. Tyler promoted the cause of internal improvement, and devoted himself also to the healing of sectional disputes among the people. In July, 1825, he delivered,

at the capitol square, in Richmond, an eloquent eulogy on the death of Mr. Jefferson.

During the next session of the legislature, Mr. Tyler was re-elected governor of Virginia by a unanimous vote. He was not, however, permitted to serve out his term. A senator of the United States was to be elected, for six years from the expiration of the term of John Randolph on the ensuing 4th of March. Mr. Randolph was the candidate of the democratic party for a re-election; but the strange vagaries and singular conduct which had so far marked his career in the senate, had excited discontent with very many of that party, and, convinced that he was no longer a proper representative of the state of Virginia, they began to look about for some man who, professing the same principles as themselves, had the firmness and ability to set them forth, and the dignity and strength of character to cause them to be respected. The friends of Mr. Adams's administration being in the minority in the legislature, united with a few of their political opponents in the support of Governor Tyler, in justice to whom, it must be said, that he sought not the nomination. "On the contrary," he remarked, in a letter written before the election, "I have constantly opposed myself to all solicitations. I desire, most earnestly, to be left at peace. There is no motive which could induce me to seek to change my present station for a seat in the senate at this time. I can not admit that to be *one* in a body of forty-eight members is to occupy a more elevated station than that presented in the chief magistracy of Virginia. My private interests, intimately connected with the good of my family, are more highly sustained by remaining where I am, than by the talked-of change." He also declared, in the same letter, that his political preferences on the fundamental principles of the government were the same with those espoused by Mr. Randolph.

Notwithstanding the positive manner in which he disclaimed any desire to be invested with the senatorial dignity, and the consequent loss of votes, Mr. Tyler was elected senator on the first ballot, the vote being for Tyler 115, Randolph 110.

The committee of the legislature appointed to wait on Governor Tyler and announce to him his election as senator, used the following, among other remarks: "Allow us, sir, to express to you the satisfaction which we feel in this new proof of the confidence which Virginia places in your known integrity, talents, and patriotism, believing that, as in your past, so in your future public life, you will never disappoint her confidence, and ever study to promote her true happiness; and while always faithfully representing, will ably and effectually vindicate her interests."

Mr. Tyler, in his reply, said, "A sense of what is due to the legislative will denies to me the privilege of giving longer audience to the suggestion of my feelings. That voice which called me to the chief magistracy, now makes upon me a new demand. I have opposed to it my wishes

and inclinations up to that period when acquiescence becomes a duty, and resistance would be censurable by all. I shall, then, in due season, accept the appointment with which I have been honored. Be pleased, gentlemen, to bear to your respective houses my most profound acknowledgments for this distinguished testimonial of their confidence; convey to them, renewed assurances of my unshaken allegiance to the constitution, as received and expounded by our fathers; say to them, that if I carry with me into the national councils less of talent than many of my predecessors, yet that, in singleness of purpose, and in ardent devotion to the principles of civil liberty, I yield to none. If Virginia has changed her representative, her principles remain unaltered. Be assured, that the only and highest aspiration of my ambition consists in the desire of promoting the happiness of my native state, and that it shall be the untiring effort of my life to advance and vindicate her interests."

This election, though regretted by the immediate friends of Mr. Randolph and the most zealous of the democratic party in Virginia, who were desirous to retain Mr. Randolph in the senate, in consequence of his violent hostility to the administration of Mr. Adams, was generally popular with the people of Virginia. Even the Richmond Enquirer, devoted as it was to Mr. Randolph's interests, in a paragraph regretting his failure, after enumerating a long list of causes which, it asserted, led to that result, said, "Yet even this combination could not have succeeded in favor of *any other* man in the commonwealth than John Tyler, because he carried with him personal friends who would have voted for John Randolph in preference to any other man than himself;" thus giving the highest possible evidence of the esteem in which Mr. Tyler was then held by the people of his native state.

At the presidential election of 1824-'5, Mr. Tyler acted with a large majority of the politicians in the state, in giving a preference to William H. Crawford for the presidency, and that gentleman received the electoral vote of the state, and a decided expression of the popular will in his favor. When, however, the election was determined by the house of representatives, in Congress, in favor of Mr. Adams, the Crawford party in Virginia were generally satisfied, as Mr. Adams was their second choice; and Mr. Tyler wrote a letter to Mr. Clay, of Kentucky, approving of his vote for Mr. Adams, in preference to General Jackson; but soon after the election of the former to the presidency, Mr. Tyler changed his views, and with most of the friends of Mr. Crawford, became an opponent of the administration.

A few days after his election as senator, Mr. Tyler sent to the legislature his resignation of the office of governor. The following is an extract from his message on that occasion: "The principles on which I have acted, without abandonment, in any one instance, for the last sixteen years, in Congress and in the legislative hall of this state, will be the principles



by which I will regulate my future political life. Keeping them constantly in view, yielding them neither to the force of circumstances nor to the suggestions of expediency, and thereby seeking to promote the lasting interests of my beloved country, if I do not acquire the individual confidence of Virginia, I shall at least have preserved my own consistency, and secured my peace of mind through the days of my increasing years, and in the hour of my final dissolution."

Upon the occasion of his retirement from the chief magistracy of the state, he was invited to a public dinner, by a large number of the members of the legislature, and of the citizens of Richmond. In answer to the following toast—"John Tyler, our friend and guest—a republican too firm to be driven from his principles—too upright to be swerved by the laws of ambition or power"—Mr. Tyler, among other remarks, said:—

"I can be at no loss to ascribe this manifestation of public respect to its proper source. It flows from the late senatorial election, and the incidents connected with it. I place upon it, therefore, the highest possible value. The recesses of my heart have been attempted to be scanned with the view of detecting some lurking wish at variance with my public declarations. Had I desired a change, what was there to have prevented me from openly seeking it? Are not the offices of the republic equally open to all its citizens? When was an exclusive monopoly established? or when was it before that 'Rome contained but one man'? Virginia, thank Heaven, depends upon no one of her citizens, however distinguished by talents, for her character or standing. She has been compared to the mother of the Gracchii, and I trust that she may still be permitted to be proud of her sons. For one who had been taught from early infancy that golden rule, that, next to his Creator, his first duty belonged to his country, and his last to himself, how could I have stood acquitted, had I permitted private considerations to have controlled the obligations of public duty? By accepting the appointment, while I interfered with the pretensions of no other citizen, I have acquitted myself of a sacred obligation."

After speaking at large upon the administration, and what he had hoped would have been the policy of Mr. Adams, he said:—

"Candor requires me here publicly to say, that his first splendid message to Congress long since withered all my hopes. I saw in it an almost total disregard of the federative principle—a more latitudinous construction of the constitution than has ever before been insisted on; lying not so much in the particular measures recommended—which, though bad enough, had some excuse in precedent—as in the broad and general principles there laid down as the basis of governmental duty. From the moment of seeing that message, all who have known anything of me have known that I stood distinctly opposed to this administration; not from a factious spirit, not with a view to elevate a favorite, or to advance myself, but on

the great principles which have regulated my past life. I honestly believe the preservation of the federative principles of our government to be inseparably connected with the perpetuation of liberty."

This public compliment was given him on the 3d of March 1827, the last day of the period during which he occupied the office of governor. On the 3d of December, 1827, Mr. Tyler took his seat in the senate of the United States, and at once arrayed himself with the opposition, which, arising from the circumstances attending Mr. Adams's election, and combining the supporters of Jackson, Crawford, and Calhoun, finally overthrew the administration. There were many minor points upon which the opposition acted with little or no unity; consisting of men who had but a short time before held conflicting political relations—they were, nevertheless, firmly united against the administration, and resolute in combating its policy and doctrines; and at the time of Mr. Tyler's entering the senate, the entire opposition had rallied in the support of General Jackson.

In accordance with the Virginia doctrines respecting the powers of the general government, and the policy of the country respecting trade and commerce, which also coincided with the views entertained by Mr. Tyler himself, he voted against the tariff bill of 1828, and the various projects for internal improvement which were introduced. In the debate concerning the powers of the vice-president, Mr. Tyler participated, supporting the positions assumed by Mr. Calhoun, who then occupied the chair of the senate.

On the accession of General Jackson to the presidency, Mr. Tyler supported his administration, concurring, in this respect, with a large majority of the people of Virginia. He, however, pursued an independent course in the senate, disapproving of some of the nominations of the president, and holding, as he did, to a strict construction of the constitution, in 1831 he opposed the appropriation to pay the negotiators of the treaty with Turkey, as that mission had not been authorized by Congress. Though a sincere friend of the administration, he regarded this act of General Jackson, in appointing commissioners, as a dangerous stretch of the presidential power; and while he by no means withdrew his support from the general policy of the party then in power, he felt bound to declare his opinion of acts which all his ideas of constitutional authority led him to reprobate.

To projects of internal improvement by the general government, Mr. Tyler was uniformly opposed, believing them unconstitutional, as we have already stated. He therefore highly approved of General Jackson's veto on the Maysville road bill, the passage of which he had previously opposed in the senate, in a speech of considerable length. The subject of the tariff being brought before the senate at the session of 1831-'2, by Mr. Clay, in a resolution proposing certain changes in the existing duties, a long and able debate arose thereon, in which Mr. Tyler participated.

His speech on this occasion was continued for three days, and evinced an extensive knowledge of the subject; and it was characterized by a warmth, earnestness, and depth of eloquence, which gave ample evidence of the intensity of his feeling on a topic which then excited much of the public attention at the south. He was opposed to a tariff specially for the protection of home industry, but in favor of a tariff for revenue which might incidentally afford such protection, and he expressed an anxiety for such an adjustment of the question as would restore peace and harmony to the Union.

The question of renewing the charter of the bank of the United States came up at the same session. Mr. Tyler steadily opposed the bill to modify and continue in force that institution, at every step of its progress through the senate, and voted against it on its final passage. After receiving the sanction of the house of representatives, the bill renewing the charter of the bank was defeated by the veto of President Jackson.

For the confirmation of Mr. Van Buren, who was nominated at this session for minister to England, Mr. Tyler gave his vote; and viewing the tariff of 1832 as a continuance of the system of protection, he voted against that measure, although the duties on imports were much reduced thereby, on many articles. With the nullifiers of South Carolina Mr. Tyler sympathized; and when the president took decided ground against the anti-tariff and nullifying proceedings of that state, the Virginia senator did not hesitate to withdraw his support from the administration, on the ground that they had abandoned the principles of state-rights, as he understood them, on which General Jackson had been supported in the southern states, and to which he owed his election as president. A bill called the force bill being introduced into the senate, to provide for the collection of the revenue, and vesting extraordinary powers in the president, Mr. Tyler opposed it in an animated speech. After a lengthened debate, the bill, was passed, Mr. Tyler's being the only name in the negative. The other opponents of the bill, Mr. Calhoun at their head, left the senate-chamber when the vote was taken, considering further opposition useless. During the progress of the bill, however, efforts were made in both houses to terminate the controversy peaceably. Mr. Clay finally introduced a bill in the senate, in February, 1833, which, conceived in the spirit of concession inculcated in the speech of Mr. Tyler, united the opposing parties in its favor, and passed the senate, with few dissenting voices. For this Mr. Tyler voted, and the bill, so celebrated since as Mr. Clay's compromise act, having previously passed the house, received the signature of the president.

During the preceding session of Congress, Mr. Tyler was re-elected to the senate for six years from the 4th of March, 1833. The most prominent among the proceedings of Congress, at the session of 1833-'4, was the action of the two houses upon the removal of the deposits. In the

interim between the last adjournment and the commencement of that session, the president determined upon removing the public moneys from the bank of the United States. Mr. Duane, the secretary of the treasury, having refused to comply with the wishes of the president, was dismissed from office, and Mr. Taney was appointed in his place, after which the will of the president was accomplished. Early in the session the subject was taken up in the senate, and resolutions of censure against the president, introduced by Mr. Clay, were adopted. For these resolutions Mr. Tyler voted, as did the senators from the south and west who held state-rights doctrines, and who now acted with Mr. Calhoun, in opposition to the administration of General Jackson. These, joined with the original opponents of the administration, formed a decided majority in the senate.

Mr. Tyler took an active part in the debate on the removal of the deposits. However unconstitutional he thought the establishment of the bank of the United States, it had been established by law, and by the same law it was made the depository of the public money; and any act by a public officer in derogation of that law, was as much deserving of, and as quickly received his censure, as if he had been the most ardent supporter of the institution. In his views he was sustained by instructions from Virginia, which state he said was exactly where she always had been—against the assumption of power by the Congress or by the president. "Her instructions to me," he continued, "convey the information, that she is against the bank, as she has always been; can any man find his apology for ratifying the late proceedings of the executive department, in the mere fact that the bank of the United States is a great evil; that it ought never to have been created; and that it should not be rechartered? For one, I say, if it is to die, let it die by law. It is a corporate existence created by law, and while it exists, entitled to the protection which the law throws around private rights. This, sir, is the aspect in which I regard this question; and this, I am instructed to say, is the light in which Virginia regards it."

The call was often made upon the committee of finance, of which Mr. Tyler was a member, to report a scheme of treasury agency. Mr. Tyler answered that he could see no propriety for that call, until the sense of the senate should be expressed upon the resolutions then under their consideration. If the executive were sustained in the power it had exerted over the subject, then Congress had nothing to do with it. The great question before the country was, whether Congress or the president was to be charged with the keeping of the treasury. The latter had already decided to establish a treasury agency himself, and if Congress affirmed that he had done so with full power and authority, that would be decisive of the question as to legislative cognizance. The executive authority was, in such case, coextensive with the whole subject, and the legislature would encroach upon his rights if it acted at all.

At this session, Mr. Tyler, from the committee on finance, which had been directed to inquire into the condition and affairs of the United States bank, made an able and voluminous report thereon. The report was assailed by Mr. Benton, immediately upon its introduction into the senate, and in reply to him, Mr. Tyler entered into a defence of the document, and from his remarks we make the following extracts :—

“ Nothing,” said he, “ would please me more than to have the report which has been so furiously attacked by the senator from Missouri, referred to another committee for their most rigid examination ; and I would be well pleased that he be one of the committee. Let him summon his witnesses, and take depositions without number ; let him then return with his budget to the house, and lay them, with or without an air of triumph, on the table. He would find himself mistaken. All his witnesses combined would not be able to overthrow the testimony upon which the report of the committee is based. There is not a single declaration in the report which is not founded upon testimony which cannot lie—written documentary evidence which no party testimony can overcome.”

“ The honorable senator has denominated the report ‘ an elaborate defence of the bank.’ If he had paid more attention to the reading, or had waited to have it in print, he would not have hazarded such a declaration. The committee have presented both sides of the question ; the view most favorable, and that most unfavorable to the institution.”

“ He has loudly talked of the committee having been made an instrument of by the bank. For myself, I renounce the ascription. I must tell the senator that I can no more be made an instrument of by the bank, than by the still greater and more formidable power, the administration. I stand upon this floor to accomplish the purposes for which I am sent. In the consciousness of my own honesty, I stand firm and erect. I worship alone at the shrine of truth and honor. It is a precious thing in the eyes of some, to bask in the sunshine of power. I rest only upon the support which has *never* failed me—the high and lofty feeling of my constituents. I would not be an instrument even in their hands, if it were possible for them to require it of me, to gratify an unrighteous motive.”

“ The committee, in their investigations, have sought for nothing but the truth. I am opposed—have always been opposed—to the bank. In its creation I regard the constitution as having been violated, and I desire to see it expire. But the senate appointed me, with others, to inquire whether it was guilty of certain charges, and I should regard myself as the basest of mankind were I to charge it falsely. The report is founded on unquestionable documentary evidence. I shall hold myself ready to answer all the objections which can be raised against it, and to prove, from the documents themselves, that the report is made with the utmost fairness, and the most scrupulous regard to truth.”

The extracts from Mr. Tyler’s speeches and other productions, which

we have given, serve to elucidate his political character and modes of thinking, as well as to exhibit the uniformity of his course, in adhering with singular tenacity to the doctrines of state-rights and strict construction of the Virginia school of democracy. His course in the senate effected a separation between him and that portion of the democratic party in Virginia, who still adhered to Général Jackson, and who, in the sequel, supported Mr. Van Buren for the presidency. But there was still a wide difference between the principles and views entertained by Mr. Tyler, and those of the original opponents of General Jackson, who formed the largest proportion of the party which took the name of whigs, previous to the presidential election of 1836.

Near the close of the session, in March, 1835, Mr. Tyler was elected president of the senate *pro tempore*, by the united votes of the whig and state-rights senators. On taking the chair, he made a brief and eloquent address, in the course of which he said: "You are the representatives of sovereign states, deputed by them to uphold and maintain their rights and interests. You may severally, in your turn, have become the objects of attack and denunciation before the public; but there is not, and can not be an American who does not turn his eyes on the senate of the United States, as to the great conservative body of our federal system, and to this chamber as the ark in which the covenant is deposited. To have received, therefore, at your hands, this station, furnishes to me abundant cause for self-gratulation."

One of the last acts of Mr. Tyler, at this session, was to vote against the amendment made by the house of representatives to the fortification bill, placing three millions of dollars at the disposal of the president, to provide for anticipated difficulties with France. This was a proposition to place the war-making power, belonging solely to Congress, in the hands of the president. The amendment was disagreed to by the senate, and Congress adjourned without passing the bill.

At the next session, that of 1835—'6, during the brief period he remained in the senate, Mr. Tyler took an active part in behalf of the sufferers by the great fire in New York, and supported the bill introduced into Congress for their relief. In February, 1836, the legislature of Virginia passed resolutions instructing the senators from that state to vote for a resolution directing the resolution of March 28, 1834, to be expunged from the journal of the senate. These resolutions were then, by direction of the general assembly, forwarded, by the speakers of the respective houses, to the senators from Virginia.

Mr. Leigh, the colleague of Mr. Tyler, in answer to the resolutions, wrote a long and able letter, in which, while he acknowledged the right of instruction in all cases where no constitutional point was involved, or where any doubt existed as to the constitutionality of any particular measure, he denied that he was bound to obey any instruction commanding

him to do an act which, in his conscientious opinion, would be, in itself, a plain violation of the instrument he was sworn to support, and in its consequences dangerous and mischievous in the extreme. He concluded his letter by declaring, that he would neither obey the instructions given him, nor resign his seat, and expressed the determination to vindicate the resolutions of the 28th of March, 1834, at any time when they should be brought under consideration. Mr. Leigh, however, resigned his seat in 1836.

Mr. Tyler took a somewhat different course from his colleague ; and his conduct on the occasion greatly elevated him in the estimation of the public, particularly among the advocates of the doctrine of instruction. He might well have been held excusable, even by them, if he had refused to obey the instructions, and had retained his seat, for he was supported by the fact that the very vote he was now called upon to expunge was given under instructions, if not as explicit, at least quite as decisive of the opinion of the legislature as those now presented. But he was not willing then to overthrow or mar in the least degree the consistency of his previous life, with regard to the right of instruction. As his first act in the legislature of his own state had been the advocacy of that principle, so the first speech he had ever made in the Congress of the United States was declaratory of what he considered the same truth—the right of the constituent to instruct—the duty of the representative to obey. He could not obey the instructions he had received without falsifying his own judgment, and violating his conscience by a breach of that constitution he had sworn to support, a clause of which requires that the senate shall “ keep a journal of its proceedings, and publish it from time to time ;” and in such circumstances he was not long in deciding to surrender into the hands of those who gave it, or rather their successors, the honorable place with which he had been intrusted. He could not silently submit, however, to be instructed out of his seat, and, he took the opportunity to lay before the people of the state and the public generally, in his letter of resignation to the legislature of Virginia, an exhibition of the principles by which his public life had thus far been guided, and of the motives by which his present conduct was ruled. The following are extracts from this letter, dated Washington, February 20, 1836 :—

“ I now reaffirm the opinion at all times heretofore expressed by me, that instructions are mandatory, provided they do not require a violation of the constitution, or the commission of an act of moral turpitude. In the course of a somewhat long political life, it must have occurred that my opinions have been variant from the opinions of those I represent ; but in presenting to me the alternative of resignation in this instance, you give me to be distinctly informed that the accomplishment of your object is regarded as of such primary importance that my resignation is desired if compliance can not be yielded. I am bound to consider you as in this

fairly representing the sentiments of our common constituents, the people of Virginia, to whom alone you are amenable if you have mistaken their wishes.

"In voting for the resolution of the senate, against which you are now so indignant, I did no more than carry out the people's declared views of the legislature, as expressed in their resolutions of that day, and which were passed by overwhelming majorities of more than two to one in both houses. The terms employed by the legislature were strong and decided. The conduct of the president was represented as dangerous and alarming. I was told that it could not be too strongly condemned; that he had manifested a disposition greatly to extend his official influence; and because, with these declarations before me, I voted for a resolution which declares 'that the president, in the late executive proceedings, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both,' I am now ostracized by your fiat, which requires obedience or resignation. Compare the resolutions of the general assembly of that day with the above resolution, and its mildness will be entirely obvious. I submit, with all due deference, to yourselves, what is to be the condition of the senator in future, if, for yielding obedience to the wishes of one legislature, he is to be called upon to resign by another? If he disobeys the first, he is contemned; if he obeys the last, he violates his oath, and becomes an object of scorn and contempt. I respectfully ask, if this be the mode by which the great right of instructions is to be sustained, may it not degenerate into an engine of faction—an instrument to be employed by the outs to get in, instead of being directed to noble purposes—to the advancement of the cause of civil liberty? May it not be converted into a political guillotine, devoted to the worst of purposes? Nor are these anticipations at all weakened by the fact, as it existed in the case now under consideration, that several of those who constitute the present majority in the general assembly, and who now call upon me to expunge the journal or to resign my seat, actually voted for the very resolutions of a previous session, to which I have referred.

"I dare not touch the journal of the senate. The constitution forbids it. In the midst of all the agitations of party, I have heretofore stood by that sacred instrument. It is the only post of honor and of safety. A seat in the senate is sufficiently elevated to fill the measure of any man's ambition; and as an evidence of the sincerity of my convictions that your resolutions can not be executed, without violating my oath, I surrender into your hands three unexpired years of my term. I shall carry with me into retirement, the principles which I brought with me into public life, and by the surrender of the high station to which I was called by the voice of the people of Virginia, I shall set an example to my children which shall teach them to regard as nothing place and office, when to be either obtained or held at the sacrifice of honor."



At the same time, Mr. Tyler placed in the hands of the president of the senate, Mr. Van Buren, a letter informing the senate that he had resigned into the hands of the general assembly of Virginia his seat as a senator from that state. Mr. Rives was elected, by the legislature of Virginia, to fill the vacancy occasioned by Mr. Tyler's resignation, and the latter retired once more to his home and the practice of his profession. His course was highly commended, not only in Virginia, but throughout the Union. Soon after his retirement, a public dinner was given to Mr. Leigh and himself, and the following was among the toasts expressing similar feelings: "Our honored guest, John Tyler—'Expunged' from a post that he adorned, and the functions of which he ever faithfully and ably discharged, by the complying tools of an unprincipled aspirant, he is but the more endeared to the hearts of his countrymen."

Some time in 1830, Mr. Tyler had removed from Charles City county to Gloucester, where his family had resided until the present year. He now again removed to Williamsburg, the ancient dwelling-place of his fathers; and though his name was, in 1836, placed upon the electoral ticket of some of the states, as a candidate for the vice-presidency, he mingled very little, for a time, in political matters, devoting himself exclusively to his private pursuits.

He was first nominated for vice-president in Maryland, in December, 1835, and in that state placed on the ticket with General Harrison, the whig candidate for president. He also received, in 1836, the support of the friends of Judge White in the states where that gentleman was the candidate for president against Mr. Van Buren; but Maryland was the only state that voted for Harrison which gave its electoral vote to Mr. Tyler. He, however, received the votes of South Carolina (which state gave its vote to Mr. Mangum, of North Carolina, for president), Georgia, and Tennessee, for vice-president, in addition to the votes of Maryland, making 47 in all, Francis Granger receiving the votes of the other states in the opposition, including Kentucky. It thus appears that Mr. Tyler was not in 1836 considered the whig candidate for vice-president, his principal support for that office being derived from the state-rights party of the south and west, who in some respects co-operated with the whigs in opposition to Jackson and Van Buren. Virginia refused to vote for Richard M. Johnson for vice-president, but as the friends of Jackson and Van Buren controlled the electoral vote of the state, it was not given to Mr. Tyler, but to William Smith, of Alabama.

In the spring of 1838, Mr. Tyler was elected by the whigs of James City county, a member of the house of delegates of Virginia; and during the subsequent session of the legislature he acted with the whig party, under which name the different sections of the opposition to Mr. Van Buren's administration gradually became amalgamated in Virginia.

In 1839, Mr. Tyler was elected one of the delegates from Virginia to

the whig national convention which met at Harrisburg, Pennsylvania, to nominate candidates for president and vice-president of the United States. It is well known that Mr. Clay, of Kentucky, was the favorite candidate of the delegates from the southern states, in that convention. The course of Mr. Clay in the senate, on many occasions, particularly in bringing about a settlement of the controversy respecting the tariff and South Carolina nullification, had rendered him popular with the state-rights section of the whigs, and they were anxious for his nomination to the presidency. In this feeling Mr. Tyler warmly participated, with all the Virginia delegation. He was chosen one of the vice-presidents of the convention, and exerted his influence in favor of Mr. Clay. General Harrison, however, was nominated for president, and Mr. Tyler was among those who expressed their deep regrets at the defeat of Mr. Clay as a candidate.

The question of a candidate for president had so much absorbed the attention of the whigs, that the subject of a candidate for vice-president had attracted but little attention. When General Harrison was nominated for the first office, it became necessary, in the judgment of the delegates, to take a candidate for vice-president from the south, and, after a brief consultation, the nomination was offered to Mr. Tyler, and accepted. As he was an ardent friend of Mr. Clay, it was supposed that this nomination would be popular with the friends of that gentleman, under the feelings of disappointment with which it was anticipated they would receive the nomination of General Harrison. Had the event of Mr. Tyler's succession to the presidency been contemplated, it can not be doubted that a scrutiny of his principles, and the remembrance of his course and action on cherished whig measures, would have caused more hesitancy in placing him on the presidential ticket, if not his prompt rejection, by the whig convention.

The speeches, letters, and declarations of Mr. Tyler, during the canvass of 1840, were generally satisfactory to the whigs, and gave reasonable expectation that he would co-operate with General Harrison and Mr. Clay in carrying out the wishes of the whig party, if successful in the election.

The triumph of the whigs, which elevated General Harrison to the presidency, Mr. Tyler to the vice-presidency, and secured a whig majority in both houses of Congress, we have elsewhere related in this volume. It only remains to mention, in this place, that the sudden and lamented death of President Harrison, in one month after his inauguration, devolved upon Mr. Tyler, in April, 1841, the high and responsible duties of president of the United States. The events of the succeeding four years will be found in our history of his administration.

There can be no doubt that Mr. Tyler mistook his position in attempting to act with the whig party, and in accepting their nomination for one of the highest offices in the nation, which, by the dispensation of Providence,

placed him in the presidential chair, clothed with the power and patronage of that high station. That the whigs also acted without due reflection, in his nomination, is alike evident; and from these two causes flowed the consequences which resulted in the embarrassment, difficulties, and total loss of popularity with both the great parties of the country, on the one side, of the president, and bitter disappointment and chagrin on the part of the whigs.

In person, Mr. Tyler is rather tall and thin, with light complexion, blue eyes, and prominent features. His manners are plain and affable, and in private life he is amiable, hospitable, and courteous. His errors as a politician are ascribed, by some, to a want of judgment, to an inordinate vanity, and the influence of bad advice; to which may be added, extreme obstinacy in persisting in opinions once formed, without regard to consequences.

In 1813, at the age of twenty-three, Mr. Tyler married a lady about his own age, Miss Letitia Christian, daughter of Robert Christian, Esq., of New Kent county, Virginia. She was a lady much esteemed by her acquaintances, as a wife, a mother, a friend, and a Christian, being for many years a member of the episcopal church: She died at Washington, September 10, 1842, leaving three sons and three daughters. While president of the United States, Mr. Tyler was again married, to Miss Julia Gardiner, of New York, daughter of the late David Gardiner, Esq., of that city, who was killed by an explosion on board the steamship Princeton, in February, 1844. The marriage of the president took place at New York, on the 26th of June, 1844. Since his retirement from the presidency, Mr. Tyler has resided at his seat near Williamsburg, Virginia.

TYLER'S

ADDRESSES AND MESSAGES.

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INAUGURAL ADDRESS.

APRIL 9, 1841.

*To the People of the United States :—*

FELLOW-CITIZENS: Before my arrival at the seat of government the painful communication was made to you, by the several departments, of the deeply-regretted death of WILLIAM HENRY HARRISON, late president of the United States. Upon him you had conferred your suffrages for the first office in your gift, and had selected him as your chosen instrument to correct and reform all such errors and abuses as had manifested themselves from time to time in the practical operation of the government. While standing at the threshold of this great work, he has, by the dispensation of an all-wise Providence, been removed from among us, and, by the provisions of the constitution, the efforts to be directed to the accomplishment of this vitally-important task have devolved upon myself. This same occurrence has subjected the wisdom and sufficiency of our institutions to a new test. For the first time in our history the person elected to the vice-presidency of the United States, by the happening of a contingency provided for in the constitution, has had devolved upon him the presidential office. The spirit of faction which is directly opposed to the spirit of a lofty patriotism, may find in this occasion for assaults upon my administration. And in succeeding, under circumstances so sudden and unexpected, and to responsibilities so greatly augmented, to the administration of public affairs, I shall place in the intelligence and patriotism of the people my only sure reliance. My earnest prayer shall be constantly addressed to the all-wise and all-powerful Being who made me, and by whose dispensation I am called to the high office of president of this confederacy, understandingly to carry out the principles of that constitution which I have sworn to "protect, preserve, and defend."

The usual opportunity which is afforded to a chief magistrate, upon his induction to office, of presenting to his countrymen an exposition of the policy which would guide his administration, in the form of an inaugural address, not having, under the peculiar circumstances which have brought me to the discharge of the high duties of president of the United States, been afforded to me, a brief exposition of the principles which will govern me in the general course of my administration of public affairs would seem to be due as well to myself as to you.

In regard to foreign nations, the groundwork of my policy will be justice on our part to all, submitting to injustice from none. While I shall sedulously cultivate the relations of peace and amity with one and all, it will be my most imperative duty to see that the honor of the country shall sustain no blemish. With a view to this, our military defences will become a matter of anxious solicitude. The army, which has in other days covered itself with renown, and the navy, not inappropriately termed the right arm of the public defence, which has spread a light of glory over the American standard in all the waters of the earth, should be rendered replete with efficiency.

In view of the fact well avouched by history, that the tendency of all human institutions is to concentrate power in the hands of a single man, and that their ultimate downfall has proceeded from this cause, I deem it of the most essential importance that a complete separation should take place between the sword and the purse. No matter where or how the public moneys shall be deposited, so long as the president can exert the power of appointing and removing, at his pleasure, the agents selected for their custody, the commander-in-chief of the army and navy is in fact the treasurer. A permanent and radical change should therefore be decreed. The patronage incident to the presidential office, already great, is constantly increasing. Such increase is destined to keep pace with the growth of our population, until, without a figure of speech, an army of officeholders may be spread over the land. The unrestrained power exerted by a selfishly-ambitious man, in order either to perpetuate his authority or to hand it over to some favorite as his successor, may lead to the employment of all the means within his control to accomplish his object. The right to remove from office, while subjected to no just restraint, is inevitably destined to produce a spirit of crouching servility with the official corps, which, in order to uphold the hand which feeds them, would lead to direct and active interference in the elections, both state and federal, thereby subjecting the course of state legislation to the dictation of the chief executive officer, and making the will of that officer absolute and supreme. I will, at a proper time, invoke the action of Congress upon this subject, and shall readily acquiesce in the adoption of all proper measures which are calculated to arrest these evils, so full of danger in their tendency. I will remove no incumbent from office who has faithfully and honestly acquitted himself of the duties of his office, except in cases where such officer has been guilty of an active partisanship, or by secret means—the less manly, and therefore the more objectionable—has given his official influence to the purposes of party, thereby bringing the patronage of the government in conflict with the freedom of elections. Numerous removals may become necessary under this rule. These will be made by me through no acerbity of feeling. I have had no cause to cherish or indulge unkind feelings toward any, but my conduct will be regulated by a profound sense of what is due to the country and its institutions; nor shall I neglect to apply the same unbending rule to those of my own appointment. Freedom of opinion will be tolerated, the full enjoyment of the right of suffrage will be maintained as the birthright of every American citizen; but I say emphatically to the official corps, “thus far and no farther.” I have dwelt the longer upon this subject, because removals from office are likely often to arise, and I would have my countrymen to understand the principle of the executive action.

In all public expenditures, the most rigid economy should be resorted to,

and as one of its results, a public debt in time of peace be sedulously avoided. A wise and patriotic constituency will never object to the imposition of necessary burdens for useful ends; and true wisdom dictates the resort to such means, in order to supply deficiencies in the revenue, rather than to those doubtful expedients which, ultimating in a public debt, serve to embarrass the resources of the country, and to lessen its ability to meet any great emergency which may arise. All sinecures should be abolished. The appropriations should be direct and explicit, so as to leave as limited a share of discretion to the disbursing agents as may be found compatible with the public service. A strict responsibility on the part of all the agents of the government should be maintained, and peculation or defalcation visited with immediate expulsion from office, and the most condign punishment.

The public interest also demands, that if any war has existed between the government and the currency, it shall cease. Measures of a financial character, now having the sanction of legal enactment, shall be faithfully enforced until repealed by the legislative authority. But I owe it to myself to declare, that I regard existing enactments as unwise and impolitic, and in a high degree oppressive. I shall promptly give my sanction to any constitutional measure which, originating in Congress, shall have for its object the restoration of a sound circulating medium, so essentially necessary to give confidence in all the transactions of life, to secure to industry its just and adequate rewards, and to re-establish the public prosperity. In deciding upon the adaptation of any such measure to the end proposed, as well as its conformity to the constitution, I shall resort to the fathers of the great republican school for advice and instruction, to be drawn from their sage views of our system of government, and the light of their ever-glorious example.

The institutions under which we live, my countrymen, secure each person in the perfect enjoyment of all his rights. The spectacle is exhibited to the world of a government deriving its powers from the consent of the governed, and having imparted to it only so much power as is necessary for its successful operation. Those who are charged with its administration should carefully abstain from all attempts to enlarge the range of the powers thus granted to the several departments of the government, other than by an appeal to the people for additional grants, lest, by so doing, they disturb that balance which the patriots and statesmen who framed the constitution designed to establish between the federal government and the states composing the Union. The observance of these rules is enjoined upon us by that feeling of reverence and affection which finds a place in the heart of every patriot for the preservation of the Union and the blessings of union—for the good of our children and our children's children, through countless generations. An opposite course could not fail to generate factions, intent upon the gratification of their selfish ends, to give birth to local and sectional jealousies, and to ultimate either in breaking asunder the bonds of union, or in building up a central system, which would inevitably end in a bloody sceptre and an iron crown.

In conclusion, I beg you to be assured, that I shall exert myself to carry the foregoing principles into practice during my administration of the government; and, confiding in the protecting care of the ever-watchful and over-ruling Providence, it shall be my first and highest duty to preserve unimpaired the free institutions under which we live, and transmit them to those who shall succeed me in their full force and vigor.

## A R E C O M M E N D A T I O N .

APRIL 13, 1841.

*To the People of the United States :—*

WHEN a Christian people feel themselves to be overtaken by a great public calamity, it becomes them to humble themselves under the dispensation of Divine Providence, to recognise his righteous government over the children of men, to acknowledge his goodness in time past, as well as their own unworthiness, and to supplicate his merciful protection for the future.

The death of WILLIAM HENRY HARRISON, late president of the United States, so soon after his elevation to that high office, is a bereavement peculiarly calculated to be regarded as a heavy affliction, and to impress all minds with a sense of the uncertainty of human things, and of the dependence of nations as well as of individuals, upon our heavenly Parent.

I have thought, therefore, that I should be acting in conformity with the general expectation and feelings of the community, in recommending, as I now do, to the people of the United States, of every religious denomination, that, according to their several modes and forms of worship, they observe a day of fasting and prayer, by such religious services as may be suitable on the occasion ; and I recommend Friday, the fourteenth day of May next, for that purpose ; to the end that, on that day, we may all, with one accord, join in humble and reverential approach to Him in whose hands we are, invoking him to inspire us with a proper spirit and temper of heart and mind under these frowns of his providence, and still to bestow his gracious benedictions upon our government and our country.

## MESSAGE.—SPECIAL SESSION.

JUNE 1, 1841.

*To the Senate and House of Representatives of the United States :—*

FELLOW-CITIZENS : You have been assembled in your respective halls of legislation under a proclamation bearing the signature of the illustrious citizen who was so lately called by the direct suffrages of the people to the discharge of the important functions of their chief executive office. Upon the expiration of a single month from the day of his installation he has paid the great debt of nature, leaving behind him a name associated with the recollection of numerous benefits conferred upon the country, during a long life of patriotic devotion. With this public bereavement are connected other considerations which will not escape the attention of Congress. The preparations necessary for his removal to the seat of government, in view of a residence of four years, must have devolved upon the late president heavy expenditures, which, if permitted to burden the limited resources of his private fortune, may tend to the serious embarrassment of his surviving family ; and it is therefore respectfully submitted to Congress whether the ordinary principles of justice would not dictate the propriety of its legislative interposition. By the provisions of the fundamental law, the powers and duties of the high station to which he was elected, have devolved

upon me ; and in the disposition of the representatives of the states and of the people, will be found, to a great extent, a solution of the problem to which our institutions are, for the first time subjected.

In entering upon the duties of this office, I did not feel that it would be becoming in me to disturb what had been ordered by my lamented predecessor. Whatever, therefore, may have been my opinion originally as to the propriety of convening Congress at so early a day from that of its late adjournment, I found a new and controlling inducement not to interfere with the patriotic desires of the late president, in the novelty of the situation in which I was so unexpectedly placed. My first wish under such circumstances, would necessarily have been to have called to my aid, in the administration of public affairs, the combined wisdom of the two houses of Congress, in order to take their counsel and advice as to the best mode of extricating the government and the country from the embarrassments weighing heavily on both. I am then most happy in finding myself, so soon after my accession to the presidency, surrounded by the immediate representatives of the states and people.

No important changes having taken place in our foreign relations since the last session of Congress, it is not deemed necessary, on this occasion, to go into a detailed statement in regard to them. I am happy to say that I see nothing to destroy the hope of being able to preserve peace.

The ratification of the treaty with Portugal has been duly exchanged between the two governments. This government has not been inattentive to the interests of those of our citizens who have claims on the government of Spain, founded on express treaty stipulations ; and a hope is indulged that the representations which have been made to that government on this subject, may lead, ere long, to beneficial results.

A correspondence has taken place between the secretary of state and the minister of her Britannic majesty accredited to this government, on the subject of Alexander M'Leod's indictment and imprisonment, copies of which are herewith communicated to Congress.

In addition to what appears from these papers, it may be proper to state, that Alexander M'Leod has been heard by the supreme court of the state of New York, on his motion to be discharged from imprisonment, and that the decision of that court has not as yet been pronounced.

The secretary of state has addressed to me a paper upon two subjects, interesting to the commerce of the country, which will receive my consideration, and which I have the honor to communicate to Congress.

So far as it depends on the course of this government, our relations of good will and friendship will be sedulously cultivated with all nations. The true American policy will be found to consist in the exercise of a spirit of justice to be manifested in the discharge of all our international obligations to the weakest of the family of nations as well as to the most powerful. Occasional conflicts of opinion may arise, but when the discussions incident to them are conducted in the language of truth, and with a strict regard to justice, the scourge of war will for the most part be avoided. The time ought to be regarded as having gone by when a resort to arms is to be esteemed as the only proper arbiter of national differences.

The census recently taken shows a regularly progressive increase in our population. Upon the breaking out of the war of the revolution, our numbers scarcely equalled three millions of souls ; they already exceed seventeen millions, and will continue to progress in a ratio which dupli-



cates in a period of about twenty-three years. The old states contain a territory sufficient in itself to maintain a population of additional millions, and the most populous of the new states may even yet be regarded as but partially settled; while of the new lands on this side of the Rocky mountains, to say nothing of the immense region which stretches from the base of those mountains to the mouth of the Columbia river, about two hundred and seventy millions of acres, ceded and unceded, still remain to be brought into market. We hold out to the people of other countries an invitation to come and settle among us as members of our rapidly-growing family; and for the blessings which we offer them, we require of them to look upon our country as their country, and to unite with us in the great task of preserving our institutions, and thereby perpetuating our liberties. No motive exists for foreign conquests; we desire but to reclaim our almost illimitable wilderness, and to introduce into their depth the lights of civilization. While we shall at all times be prepared to vindicate the national honor, our most earnest desire will be to maintain an unbroken peace.

In presenting the foregoing views, I can not withhold the expression of the opinion, that there exists nothing in the extension of our empire, over our acknowledged possessions, to excite the alarm of the patriot for the safety of our institutions. The federative system, leaving to each state the care of its domestic concerns, and devolving on the federal government those of general import, admits in safety of the greatest expansion; but, at the same time, I deem it proper to add, that there will be found to exist, at all times, an imperious necessity for restraining all the functionaries of this government within the range of their respective powers, thereby preserving a just balance between the powers granted to this government and those reserved to the states and to the people.

From the report of the secretary of the treasury, you will perceive that the fiscal means, present and accruing, are insufficient to supply the wants of the government for the current year. The balance in the treasury on the fourth day of March last, not covered by outstanding drafts, and exclusive of trust funds, is estimated at eight hundred and sixty thousand dollars. This includes the sum of two hundred and fifteen thousand dollars deposited in the mint and its branches to procure metal for coining and in the process of coinage, and which could not be withdrawn without inconvenience—thus leaving subject to draft, in the various depositories, the sum of six hundred and forty-five thousand dollars. By virtue of two several acts of Congress, the secretary of the treasury was authorized to issue, on and after the fourth day of March last, treasury-notes to the amount of five millions four hundred and thirteen thousand dollars, making on aggregate available fund on hand of six millions and fifty-eight thousand dollars.

But this fund was chargeable with outstanding treasury-notes redeemable in the current year, and interest thereon to the estimated amount of five millions, two hundred and eighty thousand dollars. There is also thrown upon the treasury the payment of a large amount of demands accrued in whole or in part, in former years, which will exhaust the available means of the treasury, and leave the accruing revenue, reduced as it is in amount, burdened with debt, and charged with the current expenses of the government.

The aggregate amount of outstanding appropriations, on the fourth day of March last, was thirty-three millions four hundred and twenty-nine

thousand six hundred and sixteen dollars and fifty cents, of which twenty-four millions two hundred and ten thousand three hundred dollars will be required during the current year; and there will also be required for the use of the war department, additional appropriations to the amount of two millions five hundred and eleven thousand one hundred and thirty-two dollars and ninety-eight cents, the special objects of which will be seen by reference to the report of the secretary of war. The anticipated means of the treasury are greatly inadequate to this demand. The receipts from customs for the last three quarters of the last year and the first quarter of the present year, amounted to twelve millions one hundred thousand dollars. The receipts for lands, for the same time, to two millions seven hundred and forty-two thousand four hundred and thirty dollars and sixty cents, showing an average revenue, from both sources, of one million two hundred and thirty-six thousand eight hundred and seventy dollars per month.

A gradual expansion of trade growing out of a restoration of confidence, together with a reduction in the expenses of collecting, and punctuality on the part of collecting officers, may cause an addition to the monthly receipts from the customs. They are estimated, for the residue of the year, from the 4th of March, at twelve millions of dollars. The receipts from the public lands, for the same time, are estimated at two millions five hundred thousand dollars, and from miscellaneous sources at one hundred and seventy thousand dollars; making an aggregate of available funds within the year, of fifteen millions, three hundred and fifteen thousand dollars, which will leave a probable deficit of eleven millions, four hundred and six thousand, one hundred and thirty-two dollars, and ninety-eight cents. To meet this, some temporary provision is necessary, until the amount can be absorbed by the excess of revenues which are anticipated to accrue at no distant day.

There will fall due, within the next three months, treasury-notes of the issues of 1840, including interest, about two millions, eight hundred and fifty thousand dollars. There is chargeable in the same period, for arrearages for taking the sixth census, two hundred and ninety-four thousand dollars, and the estimated expenditures for the current service are about eight millions, one hundred thousand dollars, making the aggregate demand upon the treasury, prior to the 1st of September next, about eleven millions, three hundred and forty thousand dollars.

The ways and means in the treasury, and estimated to accrue within the above-named period, consist of about six hundred and ninety-four thousand dollars, of funds available on the 28th ultimo, an unissued balance of treasury-notes, authorized by the act of 1841, amounting to one million, nine hundred and fifty-five thousand dollars, and estimated receipts from all sources, of three millions, eight hundred thousand dollars, making an aggregate of about six millions, four hundred and fifty thousand dollars, and leaving a probable deficit on the first of September next, of four millions, eight hundred and forty-five thousand dollars.

In order to supply the wants of the government, an intelligent constituency, in view of their best interests, will, without hesitation, submit to all necessary burdens. But it is, nevertheless, important so to impose them as to avoid defeating the just expectations of the country growing out of pre-existing laws. The act of the 2d of March, 1833, commonly called the compromise act, should not be altered, except under urgent necessities which are not believed at this time to exist. One year only remains to

complete the series of reductions provided for by that law, at which time provisions made by the same law, and which then will be brought actively in aid of the manufacturing interests of the Union, will not fail to produce the most beneficial results. Under a system of discriminating duties, imposed for purposes of revenue, in union with the provisions of existing laws, it is to be hoped that our policy will in future be fixed and permanent, so as to avoid those constant fluctuations which defeat the very objects they have in view. We shall thus best maintain a position, which, while it will enable us the more readily to meet the advances of other countries calculated to promote our trade and commerce, will at the same time leave in our own hands the means of retaliating, with greater effect, unjust regulations.

In intimate connexion with the question of revenue, is that which makes provision for a suitable fiscal agent, capable of adding increased facilities in the collection and disbursement of the public revenues, rendering more secure their custody, and consulting a true economy in the great, multiplied, and delicate operations of the treasury department. Upon such an agent depends, in an eminent degree, the establishment of a currency of uniform value, which is of so great importance to all the essential interests of society, and on the wisdom to be manifested in its creation much depends. So intimately interwoven are its operations, not only with the interests of individuals, but of states, that it may be regarded as controlling both. If paper be used as the chief medium of circulation, and the power be vested in the government of issuing it at pleasure, either in the form of treasury-drafts or any other; or, if banks be used as the public depositories, with liberty to regard all surpluses from day to day as so much added to their active capital, prices are exposed to constant fluctuations, and industry to severe suffering. In the one case, political considerations directed to party purposes may control, while excessive cupidity may prevail on the other. The public is thus constantly liable to imposition. Expansions and contractions may follow each other in rapid succession—the one engendering a reckless spirit of adventure and speculation, which embraces states as well as individuals—the other causing a fall in prices, and accomplishing an entire change in the aspect of affairs. Stocks of all sorts rapidly decline, individuals are ruined, and states embarrassed—even in their efforts to meet with punctuality the interest on their debts. Such, unhappily, is the condition of things now existing in the United States. These effects may readily be traced to the causes above referred to. The public revenues being removed from the then bank of the United States, under an order of a late president, were placed in selected state banks, which, actuated by the double motive of conciliating the government and augmenting their profits to the greatest possible extent, enlarged extravagantly their discounts, thus enabling all existing banks to do the same; large dividends were declared, which, stimulating the cupidity of capitalists, caused a rush to be made to the legislatures of the respective states for similar acts of incorporation, which, by many of the states, under a temporary infatuation, were readily granted; and thus the augmentation of the circulating medium, consisting almost exclusively of paper, produced a most fatal delusion. An illustration, derived from the land-sales of the period alluded to, will serve best to show the effect of the whole system. The average sales of the public lands for a period of ten years prior to 1834, had not much exceeded two millions of dollars per annum. In 1834, they attained, in round numbers, to the amount of six millions of dollars;

in the succeeding year, of 1835, they reached sixteen millions of dollars; and the next year, of 1836, they amounted to the enormous sum of twenty-five millions of dollars—thus crowding into the short space of three years upward of seventy-three years' purchase of the public domain. So apparent had become the necessity of arresting this course of things, that the executive department assumed the highly questionable power of discriminating in the funds to be used in payment by different classes of public debtors—a discrimination which was doubtlessly designed to correct this most ruinous state of things, by the exaction of specie in all payments for the public lands, but which could not at once arrest the tide which had so strongly set in. Hence the demands for specie became unceasing, and corresponding prostration rapidly ensued under the necessities created with the banks to curtail their discounts, and thereby to reduce their circulation. I recur to these things with no disposition to censure pre-existing administrations of the government, but simply in exemplification of the truth of the position which I have assumed. If, then, any fiscal agent which may be created, shall be placed, without due restrictions, either in the hands of the administrators of the government, or those of private individuals, the temptation to abuse will prove to be resistless. Objects of political aggrandizement may seduce the first, and the promptings of a boundless cupidity will assail the last. Aided by the experience of the past, it will be the pleasure of Congress so to guard and fortify the public interests, in the creation of any new agent, as to place them, so far as human wisdom can accomplish it, on a footing of perfect security. Within a few years past three different schemes have been before the country. The charter of the bank of the United States expired by its own limitation in 1836; an effort was made to renew it, which received the sanction of the two houses of Congress, but the then president of the United States exercised his *veto* power, and the measure was defeated.

A regard for the truth requires me to say, that the president was fully sustained in the course he had taken by the popular voice. His successor to the chair of state unqualifiedly pronounced his opposition to any new charter of a similar institution; and not only the popular election which brought him into power, but the elections through much of his term, seemed clearly to indicate a concurrence with him in sentiment on the part of the people. After the public moneys were withdrawn from the United States bank, they were placed in deposit with the state banks, and the result of that policy has been before the country. To say nothing as to the question whether that experiment was made under propitious or adverse circumstances, it may safely be asserted that it did receive the unqualified condemnation of most of its early advocates, and it is believed was condemned by the popular sentiment. The existing sub-treasury system does not seem to stand in higher favor with the people, but has recently been condemned in a manner too plainly indicated to admit of a doubt. Thus, in the short period of eight years, the popular voice may be regarded as having successively condemned each of the three schemes of finance to which I have adverted. As to the first, it was introduced at a time (1816) when the state banks, then comparatively few in number, had been forced to suspend specie payment by reason of the war which had previously prevailed with Great Britain. Whether, if the United States bank charter, which expired in 1811, had been renewed in due season, it would have been enabled to continue specie payment during the war, and the disastrous period to the commerce of the country which immediately succeeded, is,

to say the least, problematical ; and, whether the United States bank of 1816 produced a restoration of specie payments, or the same was accomplished through the instrumentality of other means, was a matter of some difficulty at that time to determine : certain it is, that for the first years of the operations of that bank, its course was as disastrous as, for the greater part of its subsequent career, it became eminently successful. As to the second, the experiment was tried with a redundant treasury, which continued to increase until it seemed to be the part of wisdom to distribute the surplus revenue among the states—which, operating at the same time with the specie circular, and the causes before adverted to, caused them to suspend specie payments, and involve the country in the greatest embarrassment. And as to the third, if carried through all the stages of its transmutation, from paper and specie to nothing but the precious metals, to say nothing of the insecurity of the public moneys, its injurious effects have been anticipated by the country in its unqualified condemnation. What is now to be regarded as the judgment of the American people on this whole subject, I have no accurate means of determining but by appealing to their more immediate representatives. The late contest, which terminated in the election of General Harrison to the presidency, was decided on principles well known and openly declared ; and while the sub-treasury received in the result the most decided condemnation, yet no other scheme of finance seemed to have been concurred in.

To you, then, who have come more directly from the body of our common constituents, I submit the entire question, as best qualified to give a full exposition of their wishes and opinions. I shall be ready to concur with you in the adoption of such system as you may propose, reserving to myself the ultimate power of rejecting any measure which may, in my view of it, conflict with the constitution, or otherwise jeopard the prosperity of the country—a power which I could not part with even if I would, but which I will not believe any act of yours will call into requisition.

I can not avoid recurring, in connexion with this subject, to the necessity which exists for adopting some suitable measure whereby the unlimited creation of banks by the states may be corrected in future. Such result can be most readily achieved by the consent of the states, to be expressed in the form of a compact among themselves, which they can only enter into with the consent and approbation of this government—a consent which might, in the present emergency of the public demands, justifiably be given by Congress in advance of any action by the states, as an inducement to such action upon terms well defined by the act of tender. Such a measure, addressing itself to the calm reflection of the states, would find in the experience of the past, and the condition of the present, much to sustain it ; and it is greatly to be doubted whether any scheme of finance can prove for any length of time successful, while the states shall continue in the unrestrained power of creating banking corporations. This power can only be limited by their consent.

With the adoption of a financial agency of a satisfactory character, the hope may be indulged that the country may once more return to a state of prosperity : measures auxiliary thereto, and in some measure inseparably connected with its success, will doubtless claim the attention of Congress. Among such, a distribution of the proceeds of the sales of the public lands, provided such distribution does not force upon Congress the necessity of imposing upon commerce heavier burdens than those contemplated by the

act of 1833, would act as an efficient remedial measure, by being brought directly in aid of the states. As one sincerely devoted to the task of preserving a just balance in our system of government by the maintenance of the states in a condition the most free and respectable, and in the full possession of all their power, I can no otherwise than feel desirous for their emancipation from the situation to which the pressure on their finances now subjects them. And while I must repudiate, as a measure founded in error, and wanting constitutional sanction, the slightest approach to an assumption by this government of the debts of the states, yet I can see, in the distribution adverted to, much to recommend it.

The compacts between the proprietor-states and this government expressly guaranty to the states all the benefits which may arise from the sales. The mode by which this is to be effected addresses itself to the discretion of Congress as the trustee for the states, and its exercise, after the most beneficial manner, is restrained by nothing in the grants, or in the constitution, so long as Congress shall consult that equality in the distribution which the compacts require. In the present condition of some of the states, the question of distribution may be regarded as substantially a question between direct and indirect taxation. If the distribution be not made in some form or other, the necessity will daily become more urgent with the debtor states for a resort to an oppressive system of direct taxation, or their credit, and necessarily their power and influence, will be greatly diminished. The payment of taxes, after the most inconvenient and oppressive mode, will be exacted in place of contributions for the most part voluntarily made, and therefore comparatively unoppressive. The states are emphatically the constituents of this government, and we should be entirely regardless of the objects held in view by them, in the creation of this government, if we could be indifferent to their good. The happy effects of such a measure upon all the states, would be immediately manifested. With the debtor states it would effect the relief, to a great extent, of the citizens, from a heavy burden of direct taxation which presses severely on the laboring classes, and eminently assist in restoring the general prosperity. An immediate advance would take place in the price of the state securities, and the attitude of the states would become once more, as it should ever be, lofty and erect. With states laboring under no extreme pressure from debt, the fund which they would derive from this source would enable them to improve their condition in an eminent degree. So far as this government is concerned, appropriations to domestic objects approaching in amount the revenue derived from the land-sales might be abandoned, and thus a system of unequal and therefore unjust legislation would be substituted by one dispensing equality to all the members of this confederacy. Whether such distribution should be made directly to the states in the proceeds of the sales, or in the form of profits by virtue of the operations of any fiscal agency having those proceeds as its basis, should such measure be contemplated by Congress, would well deserve its consideration. Nor would such disposition of the proceeds of the sales, in any manner, prevent Congress from time to time from passing all necessary pre-emption laws for the benefit of actual settlers, or from making any new arrangement as to the price of the public lands which might in future be esteemed desirable.

I beg leave particularly to call your attention to the accompanying report from the secretary of war. Besides the present state of the war which has so long afflicted the territory of Florida, and the various other matters

of interest therein referred to, you will learn from it that the secretary has instituted an inquiry into abuses, which promises to develop gross enormities in connexion with Indian treaties which have been negotiated, as well as in the expenditures for the removal and subsistence of the Indians. He represents also other irregularities of a serious nature that have grown up in the practice of the Indian department, which will require the appropriation of upward of two hundred thousand dollars to correct, and which claim the immediate attention of Congress.

In reflecting on the proper means of defending the country, we can not shut our eyes to the consequences which the introduction and use of the power of steam upon the ocean are likely to produce in wars between maritime states. We can not yet see the extent to which this power may be applied in belligerent operations, connecting itself as it does with recent improvements in the science of gunnery and projectiles; but we need have no fear of being left, in regard to these things, behind the most active and skilful of other nations, if the genius and enterprise of our fellow-citizens receive proper encouragement and direction from government.

True wisdom would nevertheless seem to dictate the necessity of placing in perfect condition those fortifications which are designed for the protection of our principal cities and roadsteads. For the defence of our extended maritime coast, our chief reliance should be placed on our navy, aided by those inventions which are destined to recommend themselves to public adoption; but no time should be lost in placing our principal cities on the seaboard and the lakes in a state of entire security from foreign assault. Separated as we are from the countries of the Old World, and in much unaffected by their policy, we are happily relieved from the necessity of maintaining large standing armies in times of peace. The policy which was adopted by Mr. Monroe, shortly after the conclusion of the late war with Great Britain, of preserving a regularly-organized staff, sufficient for the command of a large military force, should the necessity for one arise, is founded as well in economy as in true wisdom. Provision is thus made, upon filling up the rank and file, which can readily be done on any emergency, for the introduction of a system of discipline, both promptly and efficiently. All that is required in time of peace is to maintain a sufficient number of men to guard our fortifications, to meet any sudden contingency, and to encounter the first shock of war. Our chief reliance must be placed on the militia; they constitute the great body of national guards, and inspired by an ardent love of country, will be found ready at all times, and at all seasons, to repair with alacrity to its defence. It will be regarded by Congress, I doubt not, at a suitable time, as one of its highest duties to attend to their complete organization and discipline.

The state of the navy pension-fund requires the immediate attention of Congress. By the operation of the act of the 3d of March, 1837, entitled "An act for the more equitable administration of the navy pension-fund," that fund has been exhausted. It will be seen from the accompanying report of the commissioner of pensions, that there will be required, for the payment of navy pensions, on the first of July next, eighty-four thousand, and six dollars, six cents, and, on the first of January, 1842, the sum of sixty thousand dollars. In addition to these sums, about six thousand dollars will be required to pay the arrears of pensions, which will probably be allowed between the first of July and the first of January, 1842, making in the whole one hundred and fifty thousand, and six dollars, six and one third cents. To meet these payments there is, within

the control of the department, the sum of twenty-eight thousand and forty dollars, leaving a deficiency of one hundred and twenty-one thousand, nine hundred and sixty-six dollars, six and one third cents. The public faith requires that immediate provision should be made for the payment of these sums.

In order to introduce into the navy a desirable efficiency, a new system of accountability may be found to be indispensably necessary. To mature a plan having for its object the accomplishment of an end so important, and to meet the just expectations of the country, requires more time than has yet been allowed to the secretary at the head of the department. The hope is indulged that, by the time of your next regular session, measures of importance in connexion with this branch of the public service may be matured for your consideration.

Although the laws regulating the postoffice department only require from the officer charged with its direction to report at the usual annual session of Congress, the postmaster-general has presented to me some facts connected with the financial condition of the department, which are deemed worthy the attention of Congress. By the accompanying report of that officer, it appears that the existing liabilities of that department, beyond the means of payment at its command, can not be less than five hundred thousand dollars. As the laws organizing that branch of the public service confine the expenditure to its own revenues, deficiencies therein can not be presented under the usual estimate for the expenses of government. It must, therefore, be left to Congress to determine whether the moneys now due to contractors shall be paid from the public treasury, or whether that department shall continue under its present embarrassments. It will be seen by the report of the postmaster-general, that the recent lettings of contracts in several of the states have been made at such reduced rates of compensation, as to encourage the belief that, if the department was relieved from existing difficulties, its future operations might be conducted without any further call upon the general treasury.

The power of appointing to office is one of a character the most delicate and responsible. The appointing power is evermore exposed to be led into error: with anxious solicitude to select the most trustworthy for official station, I can not be supposed to possess a personal knowledge of the qualifications of every applicant. I deem it therefore proper in this most public manner, to invite on the part of the senate a just scrutiny into the character and pretensions of every person whom I may bring to their notice in the regular form of a nomination for office. Unless persons every way trustworthy are employed in the public service, corruption and irregularity will inevitably follow. I shall with the greatest cheerfulness acquiesce in the decision of that body; and regarding it as wisely constituted to aid the executive department in the performance of this delicate duty, I shall look to its "consent and advice" as given only in furtherance of the best interests of the country. I shall also, at the earliest proper occasion, invite the attention of Congress to such measures as, in my judgment, will be best calculated to regulate and control the executive power in reference to this vitally-important subject.

I shall also, at the proper season, invite your attention to the statutory enactments for the suppression of the slave-trade, which may require to be rendered more efficient in their provisions. There is reason to believe that the traffic is on the increase. Whether such increase is to be ascribed to the abolition of slave-labor in the British possessions in our vicinity, and



an attendant diminution in the supply of those articles which enter into the general consumption of the world, thereby augmenting the demand from other quarters, and thus calling for additional labor, it were needless to inquire. The highest considerations of public honor, as well as the strongest promptings of humanity, require a resort to the most vigorous efforts to suppress the trade.

In conclusion, I beg to invite your particular attention to the interests of this district; nor do I doubt but that in a liberal spirit of legislation you will seek to advance its commercial as well as its local interests. Should Congress deem it to be its duty to repeal the existing sub-treasury law, the necessity of providing a suitable place of deposit for the public moneys which may be required within the district, must be apparent to all.

I have felt it due to the country to present the foregoing topics to your consideration and reflection. Others with which it might not seem proper to trouble you at an extraordinary session, will be laid before you at a future day. I am happy in committing the important affairs of the country into your hands. The tendency of public sentiment, I am pleased to believe, is toward the adoption, in a spirit of union and harmony, of such measures as will fortify the public interests. To cherish such a tendency of public opinion is the task of an elevated patriotism. That differences of opinion as to the means of accomplishing these desirable objects should exist, is reasonably to be expected. Nor can all be made satisfied with any system of measures; but I flatter myself with the hope that the great body of the people will readily unite in support of those whose efforts spring from a disinterested desire to promote their happiness—to preserve the federal and state governments within their respective orbits—to cultivate peace with all the nations of the earth on just and honorable grounds—to exact obedience to the laws—to entrench liberty and property in full security—and, consulting the most rigid economy, to abolish all useless expenses.

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## SPECIAL MESSAGE.

JUNE 22, 1841.

*To the Senate and House of Representatives of the United States:—*

I HAVE the honor to submit the accompanying correspondence between myself and the honorable J. Burnet, J. C. Wright, and others, who arrived some days ago in this city, as a committee on behalf of the people of Cincinnati for the purpose, with the assent of the family, of removing the remains of the late president of the United States to North Bend, for interment. I have thought it to be my duty thus to apprise Congress of the contemplated proceedings.

SPECIAL MESSAGE.

JULY 1, 1841.

*To the House of Representatives of the United States :—*

THE accompanying memorial in favor of the passage of a bankrupt law, signed by nearly three thousand of the inhabitants of the city of New York, has been forwarded to me, attended by a request that I would submit it to the consideration of Congress. I can not waive a compliance with a request upon me by so large and respectable a number of my fellow-citizens. That a bankrupt law, carefully guarded against fraudulent practices, and embracing, as far as practicable, all classes of society—the failure to do which has heretofore constituted a prominent objection to the measure—would afford extensive relief, I do not doubt. The distress incident to the derangement of some years past has visited large numbers of our fellow-citizens with hopeless insolvency, whose energies, both mental and physical, by reason of the load of debt pressing upon them, are lost to the country. Whether Congress shall deem it proper to enter upon the consideration of this subject at its present extraordinary session, it will doubtless wisely determine. I have fulfilled my duty to the memorialists in submitting their petition to your consideration.

SPECIAL MESSAGE.

AUGUST 2, 1841.

*To the House of Representatives of the United States :—*

On the 18th of February, 1832, the house of representatives adopted a resolution in the following words : “ *Resolved*, That the president of the United States be authorized to employ Horatio Greenough, of Massachusetts, to execute in marble a full-length pedestrian statue of Washington, to be placed in the centre of the rotunda of the capitol ; the head to be a copy of Houdon’s Washington, and the accessories to be left to the judgment of the artist.”

On the 23d of the same month, the secretary of state, by direction of the president, addressed to Mr. Greenough a letter of instructions for carrying into effect the resolution of the house.

On the 14th of July, 1832, an appropriation of the sum of five thousand dollars was made, “ to enable the president of the United States to contract with a skilful artist to execute in marble a pedestrian statue of George Washington, to be placed in the centre of the rotunda of the capitol :” and several appropriations were made at the succeeding sessions in furtherance of the same object.

Mr. Greenough, having been employed upon the work for several years at Florence, completed it some months ago.

By a resolution of Congress, of the 27th of May, 1840, it was directed “ that the secretary of the navy be authorized and instructed to take measures for the importation and erection of the statue of Washington by Greenough.” In pursuance of this authority, the navy department held a correspondence with Commodore Hull, commanding on the Mediterranean sta-

tion, who entered into an agreement with the owners or masters of the ship "Sea," for the transportation of the statue to the United States. This ship, with the statue on board, arrived in this city on the 31st ultimo, and now lies at the navy-yard.

As appropriations have become necessary for the payment of freight and other expenses, I communicate to Congress such papers as may enable it to judge of the amount required.

## FIRST BANK VETO.

AUGUST 16, 1841.

*To the Senate of the United States:—*

THE bill entitled, "An act to incorporate the subscribers to the fiscal bank of the United States," which originated in the senate, has been considered by me, with a sincere desire to conform my action in regard to it, to that of the two houses of Congress. By the constitution it is made my duty either to approve the bill by signing it, or to return it with my objections to the house in which it originated. I can not conscientiously give it my approval, and I proceed to discharge the duty required of me by the constitution—to give my reasons for disapproving.

The power of Congress to create a national bank to operate *per se* over the Union, has been a question of dispute from the origin of our government. Men most justly and deservedly esteemed for their high intellectual endowments, their virtue, and their patriotism, have in regard to it entertained different and conflicting opinions. Congresses have differed. The approval of one president has been followed by the disapproval of another. The people at different times have acquiesced in decisions both for and against. The country has been and still is deeply agitated by this unsettled question. It will suffice for me to say, that my own opinion has been uniformly proclaimed against the exercise of any such power by this government. On all suitable occasions, during a period of twenty-five years, the opinion thus entertained has been unreservedly expressed. I declared it in the legislature of my native state. In the house of representatives of the United States it has been openly vindicated by me.

In the senate-chamber, in the presence and hearing of many who are at this time members of that body, it has been affirmed and reaffirmed, in speeches and reports there made, and by votes there recorded. In popular assemblies I have unhesitatingly announced it; and the last public declaration which I made, and that but a short time before the late presidential election, I referred to my previously-expressed opinions as being those then entertained by me. With a full knowledge of the opinions thus entertained, and never concealed, I was elected by the people vice-president of the United States. By the occurrence of a contingency provided for by the constitution, and arising under an impressive dispensation of Providence, I succeeded to the presidential office. Before entering upon the duties of that office, I took an oath that I would "preserve, protect, and defend the constitution of the United States."

Entertaining the opinions alluded to, and having taken this oath, the senate and the country will see that I could not give my sanction to a measure

of the character described, without surrendering all claim to the respect of honorable men—all confidence on the part of the people—all self-respect—all regard for moral and religious obligations ; without an observance of which no government can be prosperous, and no people can be happy. It would be to commit a crime which I would not wilfully commit to gain any earthly reward, and which would justly subject me to the ridicule and scorn of all virtuous men.

I deem it entirely unnecessary at this time to enter upon the reasons which have brought my mind to the conviction I feel and entertain on this subject. They have been over and over again repeated. If some of those who have preceded me in this high office have entertained and avowed different opinions, I yield all confidence that their convictions were sincere. I claim only to have the same measure meted out to myself. Without going further into the argument, I will say that, in looking to the powers of this government to collect, safely keep, and disburse the public revenue, and incidentally to regulate the commerce and exchanges, I have not been able to satisfy myself that the establishment, by this government, of a bank of discount, in the ordinary acceptation of that term, was a necessary means, or one demanded by propriety, to execute those powers. What can the local discounts of a bank have to do with the collecting, safekeeping, and disbursing of the revenue ?

So far as the mere discounting of paper is concerned, it is quite immaterial to this question whether the discount is obtained at a state bank or a United States bank.

They are both equally local—both beginning and both ending in a local accommodation. What influence have local discounts, granted by any form of bank, in the regulating of the currency and the exchanges ? Let the history of the late United States bank aid us in answering this inquiry.

For several years after the establishment of that institution, it dealt almost exclusively in local discounts, and during that period the country was, for the most part, disappointed in the consequences anticipated from its incorporation. A uniform currency was not provided, exchanges were not regulated, and little or nothing was added to the general circulation ; and in 1820 its embarrassments had become so great, that the directors petitioned Congress to repeal that article of the charter which made its notes receivable everywhere, in payment of public dues.

It had, up to that period, dealt to but a very small extent in exchanges, either foreign or domestic ; and as late as 1823, its operations in that line amounted to a little more than seven millions of dollars per annum ; a very rapid augmentation soon after occurred, and in 1833 its dealings in the exchanges amounted to upward of one hundred millions of dollars, including the sales of its own drafts ; and all these immense transactions were effected without the employment of extraordinary means. The currency of the country became sound, and the negotiations in the exchanges were carried on at the lowest possible rates.

The circulation was increased to more than twenty-two millions of dollars, and the notes of the bank were regarded as equal to specie all over the country : thus showing, almost conclusively, that it was the capacity of the bank to deal in exchanges, and not in local discounts, which furnished these facilities and advantages. It may be remarked, too, that, notwithstanding the immense transactions of the bank in the purchase of exchanges, the losses sustained were merely nominal ; while in the line of discounts, the sus-

pended debt was enormous, and proved most disastrous to the bank and the country. Its power of local discount has, in fact, proved to be a fruitful source of favoritism and corruption, alike destructive to the public morals and to the general weal.

The capital invested in banks of discount in the United States, created by the states, at this time exceeds three hundred and fifty millions of dollars; and if the discounting of local paper could have produced any beneficial effects, the United States ought to possess the soundest currency in the world; but the reverse is lamentably the fact.

Is the measure now under consideration of the objectionable character to which I have alluded? It is clearly so, unless by the sixteenth fundamental article of the eleventh section it is made otherwise. That article is in the following words:—

“The directors of the said corporation shall establish one competent office of discount and deposite in any state in which two thousand shares shall have been subscribed or may be held, whenever, upon application of the legislature of such state, Congress may by law require the same. And the said directors may also establish one or more competent offices of discount and deposite in any territory or district of the United States, and in any state, with the assent of such state; and when established, the said office or offices shall be only withdrawn or removed by the said directors, prior to the expiration of this charter, with the previous assent of Congress. Provided, in respect to any state which shall not, at the first session of the legislature thereof, held after the passage of this act, by resolution, or other usual legislative proceeding, unconditionally assent or dissent to the establishment of such office or offices within it, such assent of the said state shall be thereafter presumed; and provided, nevertheless, that whenever it shall become necessary and proper, for carrying into execution any of the powers granted by the constitution, to establish an office or offices in any of the states whatever, and the establishment thereof shall be directed by law, it shall be the duty of the said directors to establish such office or offices accordingly.”

It will be seen, that by this clause the directors are invested with the fullest power to establish a branch in any state which has yielded its assent, and having once established such branch, it shall not afterward be withdrawn, except by order of Congress. Such assent is to be implied, and to have the force and sanction of an actually-expressed assent. “provided, in respect to any state which shall not, at the first session of the legislature thereof held after the passage of this act, by resolution or other usual legislative proceeding, unconditionally assent or dissent to the establishment of office or offices within it, such assent of said state shall be thereafter presumed.” The assent or dissent is to be expressed unconditionally, at the first session of the legislature, by some formal legislative act; and if not so expressed, its assent is to be implied, and the directors are thereupon invested with power, at such time thereafter as they may please to establish branches, which can not afterward be withdrawn except by resolve of Congress—no matter what may be the cause which may operate with the legislature, which either prevents it from speaking, or addresses itself to its wisdom to induce delay, its assent is to be implied. This iron rule is to give way to no circumstances—it is unbending and inflexible. It is the language of the master to the vassal, an unconditional answer is claimed forthwith, and delay, postponement, or incapacity to answer, produces an implied assent, which is ever after irrevocable.

Many of the state elections have already taken place, without any knowledge on the part of the people that such a question was to come up. The representatives may desire a submission of the question to their constituents, preparatory to final action upon it, but this high privilege is denied: whatever may be the motives and views entertained by the representatives of the people, to induce delay, their assent is to be presumed, and is ever afterward binding, unless their assent shall be unconditionally expressed at their first session after the passage of this bill into a law.

They may by formal resolution declare the question of assent or dissent to be undecided and postponed, and yet, in opposition to their express declaration to the contrary, their assent is to be implied. Cases innumerable might be cited to manifest the irrationality of such an inference. Let one or two in addition suffice—the popular branch of the legislature may express its dissent by a unanimous vote, and its resolution may be defeated by a tie vote of the senate; and yet the assent is to be implied. Both branches of the legislature may concur in a resolution of decided dissent, and yet the governor may exert the veto power conferred on him by the state constitution, and their legislative action be defeated: and yet the assent of the legislative authority is implied, and the directors of this contemplated institution are authorized to establish a branch or branches in such state whenever they may find it conducive to the interest of the stockholders to do so; and having once established it, they can, under no circumstances, withdraw it, except by act of Congress.

The state may afterward protest against such unjust inference—but its authority is gone. Its assent is implied by its failure or inability to act at its first session, and its voice can never afterward be heard. To inferences so violent, and, as they seem to me, irrational, I can not yield my consent. No court of justice would or could sanction them, without reversing all that is established in judicial proceeding, by introducing presumptions at variance with the fact, and inferences at the expense of reasoning. A state in a condition of duress would be presumed to speak, as an individual manacled and imprisoned might be presumed to be in the enjoyment of freedom. Far better to say to the states boldly and frankly—Congress wills, and submission is demanded.

It may be said that the directors may not establish branches under such circumstances; but this is a question of power, and this bill invests them with full authority to do so. If the legislature of New York, or Pennsylvania, or any other state, should be found to be in such condition as I have supposed, could there be any security furnished against such a step on the part of the directors? Nay, is it not fairly to be presumed that this proviso was introduced for the sole purpose of meeting the contingency referred to? Why else should it have been introduced?

And I submit to the senate, whether it can be believed, that any state would be likely to sit quietly down under such a state of things? In a great measure of public interest, their patriotism may be successfully appealed to; but to infer their assent from circumstances at war with such inference, I can not but regard as calculated to excite a feeling of fatal enmity with the peace and harmony of the country. I must therefore regard this clause as asserting the power to be in Congress to establish offices of discount in a state, not only without its assent, but against its dissent; and so regarding it, I can not sanction it.

On general principles, the right in Congress to prescribe terms to any state, implies a superiority of power and control, deprives the transaction

of all pretence to compact between them, and terminates, as we have seen, in the total abrogation of freedom of action on the part of the states. But further; the state may express, after the most solemn form of legislation, its dissent, which may from time to time thereafter be repeated, in full view of its own interest, which can never be separated from the wise and beneficent operation of this government; and yet Congress may, by virtue of the last proviso, overrule its law, and upon grounds which to such state will appear to rest on a constructive necessity and propriety, and nothing more.

I regard the bill as asserting for Congress the right to incorporate a United States bank, with power and right to establish offices of discount and deposite in the several states of this Union, with or without their consent, a principle to which I have always heretofore been opposed, and which can never obtain my sanction. And waiving all the other considerations growing out of its other provisions, I return it to the house in which it originated, with these my objections to its approval.

## SECOND BANK VETO.

SEPTEMBER 9, 1840. //

*To the House of Representatives of the United States:—*

It is with extreme regret that I feel myself constrained by the duty faithfully to execute the office of president of the United States, and, to the best of my ability, "to preserve, protect, and defend, the constitution of the United States," to return to the house in which it originated, the bill "to provide for the better collection, safekeeping, and disbursement of the public revenue, by means of a corporation to be styled the fiscal corporation of the United States," with my written objections.

In my message sent to the senate on the 16th day of August last, returning the bill "to incorporate the subscribers to the fiscal bank of the United States," I distinctly declared that "my own opinion has been uniformly proclaimed to be against the exercise of the power of Congress to create a national bank to operate *per se* over the Union," and entertaining that opinion, my main objection to that bill was based upon the highest moral and religious obligations of conscience and the constitution.

I readily admit, that, while the qualified *veto* with which the chief magistrate is invested should be regarded, and was intended by the wise men who made it a part of the constitution, as a great conservative principle of our system, without the exercise of which, on important occasions, a mere representative majority might urge the government, in its legislation, beyond the limits fixed by its framers, or might exert its just powers too hastily or oppressively, yet it is a power which ought to be most cautiously exerted, and perhaps never, except in a case eminently involving the public interest, or one in which the oath of the president, acting under his convictions, both mental and moral, imperiously requires its exercise. In such a case he has no alternative. He must either exert the negative power intrusted to him by the constitution, chiefly for its own preservation, protection, and defence, or commit an act of gross moral turpitude. Mere regard to the will of a majority must not, in a constitu-

tional republic like ours, control this sacred and solemn duty of a sworn officer.

The constitution itself I regard and cherish as the imbodyed and written will of the whole people of the United States. It is their fixed and fundamental law, which they unanimously prescribe to the public functionaries, their mere trustees and servants. This their will, and the law which they have given us as the rule of our action, has no guard, no guarantee of preservation, protection, and defence, but the oaths which it prescribes to the public officers, the sanctity with which they shall religiously observe those oaths, and the patriotism with which the people shall shield it by their own sovereign will, which has made the constitution supreme. It must be exerted against the will of a mere representative majority or not at all. It is alone in pursuance of that will that any measure can reach the president; and to say that because a majority in Congress have passed a bill, the president should therefore sanction it, is to abrogate the power altogether, and to render its insertion in the constitution a work of absolute supererogation. The duty is to guard the fundamental will of the people themselves from—in this case I admit unintentional—change or infraction by a majority in Congress; and in that light alone do I regard the constitutional duty which I now most reluctantly discharge.

Is this bill, now presented for my approval or disapproval, such a bill as I have already declared could not receive my sanction? Is it such a bill as calls for the exercise of the negative power under the constitution? Does it violate the constitution by creating a national bank, to operate *per se* over the Union? Its title, in the first place, describes its general character. It is "An act to provide for the better collection, safekeeping, and disbursement of the public revenue by means of a corporation, to be styled the *fiscal corporation of the United States*." In style, then, it is plainly national in its character. Its powers, functions, and duties, are those which pertain to the *collecting, keeping, and disbursing*, the public revenue. The means by which these are to be exerted, is a *corporation*, to be styled the *fiscal corporation of the United States*. It is a corporation created by the Congress of the United States, in its character of a national legislature for the whole Union, to perform the *fiscal* purposes, meet the *fiscal* wants and exigencies, supply the *fiscal* uses, and exert the *fiscal* agencies of the treasury of the United States.

Such is its own description of itself. Do its provisions contradict its title? They do not. It is true, that by its first section it provides that it shall be established in the District of Columbia; but the amount of its capital—the manner in which its stock is to be subscribed for and held—the persons and bodies corporate and politic by whom its stock may be held—the appointment of its directors, and their powers and duties—its fundamental articles, especially that to establish agencies in any part of the Union—the corporate powers and business of such agencies—the prohibition of Congress to establish any other corporation, with similar powers, for twenty years, with express reservation, in the same clause, to modify or create any bank in the District of Columbia, so that the aggregate capital shall not exceed five millions—without enumerating other features which are equally distinctive and characteristic—clearly show that it can not be regarded as other than a bank of the United States, with powers seemingly more limited than have heretofore been granted to such an institution.

It operates *per se* over the Union, by virtue of the unaided, and, in my



view, assumed authority of Congress as a national legislature, as distinguishable from a bank created by Congress for the District of Columbia, as the local legislature of the district. Every United States bank heretofore created, has had power to deal in bills of exchange as well as local discounts. Both were trading privileges conferred, and both were exercised by virtue of the aforesaid power of Congress, over the whole Union. The question of power remains unchanged without reference to the extent of privilege granted. If this proposed corporation is to be regarded as a local bank of the District of Columbia, invested by Congress with general powers to operate over the Union, it is obnoxious to still stronger objections. It assumes that Congress may invest a local institution with general or national powers. With the same propriety that it may do this in regard to a bank of the District of Columbia, it may as to a state bank. Yet, who can indulge the idea that this government can rightfully, by making a state bank its fiscal agent, invest it with the absolute and unqualified powers conferred by this bill? When I come to look at the details of the bill, they do not recommend it strongly to my adoption. A brief notice of some of its provisions will suffice.

1. It may justify substantially a system of discounts of the most objectionable character. It is to deal in bills of exchange drawn in one state and payable in another, without any restraint. The bill of exchange may have an unlimited term to run, and its renewality is nowhere guarded against. It may in fact, assume the most objectionable form of accommodation. It is not required to rest on any actual, real, or substantial exchange basis. A drawer in one place becomes the acceptor in another, and so in turn the acceptor may become the drawer upon a mutual understanding. It may at the same time indulge in mere local discounts under the name of bills of exchange. A bill drawn at Philadelphia on Camden, New Jersey—at New York on a border town in New Jersey—at Cincinnati on Newport, Kentucky, not to multiply other examples—might, for anything in this bill to restrain it, become a mere matter of local accommodation. Cities thus relatively situated would possess advantages over cities otherwise situated of so decided a character, as most justly to excite dissatisfaction.

2. There is no limit prescribed to the premium in the purchase of bills of exchange, thereby correcting none of the evils under which the community now labors, and operating most injuriously upon the agricultural states, in which the inequalities in the rates of exchange are more severely felt. Nor are these the only consequences. A resumption of specie payments by the banks of those states would be liable to indefinite postponement; for, as the operation of the agencies of the interior would chiefly consist in selling bills of exchange, and the purchases could only be made in specie or the notes of banks paying specie, the state banks would either have to continue with their doors closed, or exist at the mercy of this national monopoly of brokerage. Nor can it be passed over without remark, that while the District of Columbia is made the seat of the principal bank, its citizens are excluded from all participation in any benefit it might afford, by a positive prohibition on the bank from all discounting within the district.

These are some of the objections which prominently exist against the details of the bill; others might be urged of much force, but it would be unprofitable to dwell upon them: suffice it to add, that this charter is designed to continue for twenty years without a competitor; that the defects

to which I have alluded, being founded on the fundamental law of the corporation, are irrevocable; and that if the objections be well founded, it would be over-hazardous to pass the bill into a law.

In conclusion, I take leave most respectfully to say that I have felt the most anxious solicitude to meet the wishes of Congress in the adoption of a fiscal agent, which, avoiding all constitutional objections, should harmonize conflicting opinions. Actuated by this feeling, I have been ready to yield much, in a spirit of conciliation, to the opinions of others. And it is with great pain that I now feel compelled to differ from Congress a second time in the same session. At the commencement of this session, inclined from choice to defer to the legislative will, I submitted to Congress the propriety of adopting a fiscal agent which, without violating the constitution, would separate the public money from the executive control, and perform the operations of the treasury without being burdensome to the people, or inconvenient or expensive to the government. It is deeply to be regretted that this department of the government can not, upon constitutional and other grounds, concur with the legislative department in this last measure proposed to attain these desirable objects. Owing to the brief space between the period of the death of my lamented predecessor and my own installation into office, I was, in fact, not left time to prepare and submit a definite recommendation of my own in my regular message; and since, my mind has been wholly occupied in a most anxious attempt to conform my action to the legislative will. In this communication I am confined by the constitution to my objections simply to this bill; but the period of the regular session will soon arrive, when it will be my duty, under another clause of the constitution, "to give to Congress information of the state of the Union, and recommend to their consideration such measures as" I "shall judge necessary and expedient." And I most respectfully submit, in a spirit of harmony, whether the present differences of opinion should be pressed further at this time, and whether the peculiarity of my situation does not entitle me to a postponement of this subject to a more auspicious period for deliberation. The two houses of Congress have distinguished themselves at this extraordinary session by the performance of an immense mass of labor, at a season very unfavorable both to health and action, and have passed many laws which I trust will prove highly beneficial to the interests of the country, and fully answer its just expectations. It has been my good fortune and pleasure to concur with them in all measures except this; and why should our difference on this alone be pushed to extremes? It is my anxious desire that it should not be. I, too, have been burdened with extraordinary labors of late, and I sincerely desire time for deep and deliberate reflection on this the greatest difficulty of my administration. May we not now pause until a more favorable time, when, with the most anxious hope that the executive and Congress may cordially unite, some measure of finance may be deliberately adopted, promotive of the good of our common country?

I will take this occasion to declare that the conclusions to which I have brought myself are those of a settled conviction, founded, in my opinion, on a just view of the constitution; that, in arriving at it, I have been actuated by no other motive or desire than to uphold the institutions of the country, as they have come down to us from the hands of our godlike ancestors; and that I shall esteem my efforts to sustain them, even though I perish, more honorable than to win the applause of men by a sacrifice of my duty and my conscience.

## A P R O C L A M A T I O N .

SEPTEMBER 25, 1841.

WHEREAS, it has come to the government of the United States that sundry secret lodges, clubs, or associations, exist on the northern frontier; that the members of these lodges are bound together by secret oaths; that they have collected firearms and other military materials, and secreted them in sundry places; and that it is their purpose to violate the laws of their country by making military and lawless incursions, when opportunity shall offer, into the territories of a power with which the United States are at peace; and whereas, it is known that travelling agitators, from both sides of the line, visit these lodges, and harangue the members in secret meeting, stimulating them to illegal acts; and whereas, the same persons are known to levy contributions on the ignorant and credulous for their own benefit, thus supporting and enriching themselves by the basest means; and whereas, the unlawful intentions of the members of these lodges have already been manifested in an attempt to destroy the lives and property of the inhabitants of Chippewa, in Canada, and the public property of the British government there being: Now, therefore, I, John Tyler, president of the United States, do issue this my proclamation, admonishing all such evil-minded persons of the condign punishment which is certain to overtake them; assuring them that the laws of the United States will be rigorously executed against their illegal acts; and that if, in any lawless incursion into Canada, they fall into the hands of the British authorities, they will not be reclaimed as American citizens, nor any interference made by this government in their behalf.

I exhort all well-meaning but deluded persons who may have joined these lodges, immediately to abandon them, and to have nothing more to do with their secret meetings, or unlawful oaths, as they would avoid serious consequences to themselves. And I expect the intelligent and well-disposed members of the community to frown on all these unlawful combinations and illegal proceedings, and to assist the government in maintaining the peace of the country against the mischievous consequences of the acts of these violators of the law.

Given under my hand, at the city of Washington, the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and forty-one, and of the independence of the United States the sixty-sixth.

## F I R S T   A N N U A L   M E S S A G E .

DECEMBER 7, 1841.

*To the Senate and House of Representatives of the United States:—*

IN coming together, fellow-citizens, to enter again upon the discharge of the duties with which the people have charged us, severally, we find great occasion to rejoice in the general prosperity of the country. We are in the enjoyment of all the blessings of civil and religious liberty, with unexampled means of education, knowledge, and improvement. Through

the year which is now drawing to a close, peace has been in our borders, and plenty in our habitations ; and although disease has visited some few portions of the land with distress and mortality, yet, in general, the health of the people has been preserved ; and we are called upon, by the highest obligations of duty, to renew our thanks and our devotion to our Heavenly Parent, who has continued to vouchsafe to us the eminent blessings which surround us, and who has so signally crowned the year with his goodness. If we find ourselves increasing, beyond example, in numbers, in strength, in wealth, in knowledge, in everything which promotes human and social happiness, let us ever remember our dependence, for all these, on the protection and merciful dispensations of Divine Providence.

Since your last adjournment, Alexander M'Leod, a British subject, who was indicted for the murder of an American citizen, and whose case has been the subject of a correspondence heretofore communicated to you, has been acquitted by the verdict of an impartial and intelligent jury, and has, under the judgment of the court, been regularly discharged.

Great Britain having made known to this government that the expedition which was fitted out from Canada for the destruction of the steamboat *Caroline*, in the winter of 1837, and which resulted in the destruction of said boat, and in the death of an American citizen, was undertaken by orders emanating from the authorities of the British government in Canada, and demanding the discharge of M'Leod upon the ground that, if engaged in that expedition, he did but fulfil the orders of his government, has thus been answered in the only way in which she could be answered by a government, the powers of which are distributed among its several departments by the fundamental law. Happily for the people of Great Britain, as well as those of the United States, the only mode by which an individual, arraigned for a criminal offence, before the courts of either, can obtain his discharge, is by the independent action of the judiciary, and by proceedings equally familiar to the courts of both countries.

If in Great Britain a power exists in the crown to cause to be entered a *nolle prosequi*, which is not the case with the executive power of the United States upon a prosecution pending in a state court ; yet there, no more than here, can the chief executive power rescue a prisoner from custody without an order of the proper tribunal directing his discharge. The precise stage of the proceedings at which such order may be made, is a matter of municipal regulation exclusively, and not to be complained of by any other government. In cases of this kind, a government becomes politically responsible only when its tribunals of last resort are shown to have rendered unjust and injurious judgments in matters not doubtful. To the establishment and elucidation of this principle, no nation has lent its authority more efficiently than Great Britain. Alexander M'Leod having his option either to prosecute a writ of error from the decision of the supreme court of New York, which had been rendered upon his application for a discharge, to the supreme court of the United States, or to submit his case to the decision of a jury, preferred the latter, deeming it the readiest mode of obtaining his liberation ; and the result has fully sustained the wisdom of his choice. The manner in which the issue submitted was tried, will satisfy the English government that the principles of justice will never fail to govern the enlightened decision of an American tribunal. I can not fail, however, to suggest to Congress the propriety, and, in some degree, the necessity, of making such provisions by law, so far as they may constitutionally do so, for the removal at their commencement, and

at the option of the party, of all such cases as may hereafter arise, and which may involve the faithful observance and execution of our international obligations, from the state to the federal judiciary. This government, by our institutions, is charged with the maintenance of peace and the preservation of amicable relations with the nations of the earth, and ought to possess, without question, all the reasonable and proper means of maintaining the one and preserving the other. While just confidence is felt in the judiciary of the states, yet this government ought to be competent in itself for the fulfilment of the high duties which have been devolved upon it under the organic law, by the states themselves.

In the month of September a party of armed men from Upper Canada invaded the territory of the United States, and forcibly seized upon the person of one Grogan, and, under circumstances of great harshness, hurriedly carried him beyond the limits of the United States, and delivered him up to the authorities of Upper Canada. His immediate discharge was ordered by those authorities, upon the facts of the case being brought to their knowledge—a course of procedure which was to have been expected from a nation with whom we are at peace, and which was not more due to the rights of the United States than to its own regard for justice. The correspondence which passed between the department of state, and the British envoy, Mr. Fox, and with the governor of Vermont, as soon as the facts had been made known to this department, are herewith communicated.

I regret that it is not in my power to make known to you an equally satisfactory conclusion in the case of the *Caroline* steamer, with the circumstances connected with the destruction of which, in December, 1837, by an armed force fitted out in the province of Upper Canada, you are already made acquainted. No such atonement as was due for the public wrong done to the United States by this invasion of her territory, so wholly irreconcilable with her rights as an independent power, has yet been made. In the view taken by this government, the inquiry whether the vessel was in the employment of those who were prosecuting an unauthorized war against that province, or was engaged by the owner in the business of transporting passengers to and from Navy island in hopes of private gain, which was most probably the case, in no degree alters the real question at issue between the two governments. This government can never concede to any foreign government the power, except in a case of the most urgent and extreme necessity, of invading its territory, either to arrest the persons or destroy the property of those who may have violated the municipal laws of such foreign government, or have disregarded their obligations arising under the law of nations. The territory of the United States must be regarded as sacredly secure against all such invasions, until they shall voluntarily acknowledge their inability to acquit themselves of their duties to others. And in announcing this sentiment, I do but affirm a principle which no nation on earth would be more ready to vindicate, at all hazards, than the people and government of Great Britain.

If, upon a full investigation of all the facts, it shall appear that the owner of the *Caroline* was governed by a hostile intent, or had made common cause with those who were in the occupancy of Navy island, then, so far as he is concerned, there can be no claim to indemnity for the destruction of his boat which this government would feel itself bound to prosecute, since he would have acted, not only in derogation of the rights of Great Britain, but in clear violation of the laws of the United States; but that is a ques-

tion which, however settled, in no manner involves the higher consideration of the violation of territorial sovereignty and jurisdiction. To recognize it as an admissible practice, that each government, in its turn, upon any sudden and unauthorized outbreak, which, on a frontier the extent of which renders it impossible for either to have an efficient force on every mile of it, and which outbreak, therefore, neither may be able to suppress in a day, may take vengeance into its own hands, and without even a remonstrance, and in the absence of any pressing or overruling necessity, may invade the territory of the other, would inevitably lead to results equally to be deplored by both. When border collisions come to receive the sanction, or to be made on the authority of either government, general war must be the inevitable result. While it is the ardent desire of the United States to cultivate the relations of peace with all nations, and to fulfil all the duties of good neighborhood toward those who possess territories adjoining their own, that very desire would lead them to deny the right of any foreign power to invade their boundary with an armed force. The correspondence between the two governments on this subject will, at a future day of your session, be submitted to your consideration; and, in the meantime, I can not but indulge the hope that the British government will see the propriety of renouncing, as a rule of future action, the precedent which has been set in the affair at Schlosser.

I herewith submit the correspondence which has recently taken place between the American minister at the court of St. James, Mr. Stevenson, and the minister of foreign affairs of that government, on the right claimed by that government to visit and detain vessels sailing under the American flag, and engaged in prosecuting lawful commerce in the African seas. Our commercial interests in that region have experienced considerable increase, and have become an object of much importance, and it is the duty of this government to protect them against all improper and vexatious interruption. However desirous the United States may be for the suppression of the slave-trade, they can not consent to interpolations into the maritime code at the mere will and pleasure of other governments. We deny the right of any such interpolation to any one, or all the nations of the earth, without our consent. We claim to have a voice in all amendments or alterations of that code; and when we are given to understand, as in this instance, by a foreign government, that its treaties with other nations can not be executed without the establishment and enforcement of new principles of maritime police, to be applied without our consent, we must employ a language neither of equivocal import, nor susceptible of misconception. American citizens prosecuting a lawful commerce in the African seas, under the flag of their country, are not responsible for the abuse or unlawful use of that flag by others; nor can they rightfully, on account of any such alleged abuses, be interrupted, molested, or detained, while on the ocean; and if thus molested and detained, while pursuing honest voyages in the usual way, and violating no law themselves, they are unquestionably entitled to indemnity. This government has manifested its repugnance to the slave-trade in a manner which can not be misunderstood. By its fundamental law, it prescribed limits in point of time to its continuance; and against its own citizens, who might so far forget the rights of humanity as to engage in that wicked traffic, it has long since, by its municipal laws, denounced the most condign punishment. Many of the states composing this Union had made appeals to the civilized world for its suppression long before the moral sense of other nations had become shocked

by the iniquities of the traffic. Whether this government should now enter into treaties containing mutual stipulations upon this subject, is a question for its mature deliberation. Certain it is, that if the right to detain American ships on the high seas can be justified on the plea of a necessity for such detention, arising out of the existence of treaties between other nations; the same plea may be extended and enlarged by the new stipulations of new treaties, to which the United States may not be a party. This government will not cease to urge upon that of Great Britain full and ample remuneration for all losses, whether arising from detention or otherwise, to which American citizens have heretofore been or may hereafter be subjected, by the exercise of rights which this government can not recognise as legitimate and proper. Nor will I indulge a doubt but that the sense of justice of Great Britain will constrain her to make retribution for any wrong or loss which any American citizen, engaged in the prosecution of lawful commerce, may have experienced at the hand of her cruisers or other public authorities. This government, at the same time, will relax no effort to prevent its citizens, if there be any so disposed, from prosecuting a traffic so revolting to the feelings of humanity. It seeks to do no more than to protect the fair and honest trader from molestation and injury: but while the enterprising mariner, engaged in the pursuit of an honorable trade, is entitled to its protection, it will visit with condign punishment others of an opposite character.

I invite your attention to existing laws for the suppression of the African slave-trade, and recommend all such alterations as may give to them greater force and efficacy. That the American flag is grossly abused by the abandoned and profligate of other nations is but too probable. Congress has, not long since, had this subject under its consideration, and its importance well justifies renewed and anxious attention.

I also communicate herewith the copy of a correspondence between Mr. Stevenson and Lord Palmerston upon the subject, so interesting to several of the southern states, of the rice-duties, which resulted honorably to the justice of Great Britain and advantageously to the United States.

At the opening of the last annual session, the president informed Congress of the progress which had then been made in negotiating a convention between this government and that of England, with a view to the final settlement of the question of the boundary between the territorial limits of the two countries. I regret to say that little further advancement of the object has been accomplished since last year; but this is owing to circumstances no way indicative of any abatement of the desire of both parties to hasten the negotiation to its conclusion, and to settle the question in dispute as early as possible. In the course of the session it is my hope to be able to announce some further degree of progress toward the accomplishment of this highly-desirable end.

The commission appointed by this government for the exploration and survey of the line of boundary separating the states of Maine and New Hampshire from the conterminous British provinces is, it is believed, about to close its field labors, and is expected soon to report the results of its examinations to the department of state. The report, when received, will be laid before Congress.

The failure on the part of Spain to pay with punctuality the interest due under the convention of 1834, for the settlement of claims between the two countries, has made it the duty of the executive to call the particular attention of that government to the subject. A disposition has been mani-

ested by it, which is believed to be entirely sincere, to fulfil its obligations, in this respect, so soon as its internal condition and the state of its finances will permit. An arrangement is in progress, from the result of which it is trusted that those of our citizens who have claims under the convention will, at no distant day, receive the stipulated payments.

A treaty of commerce and navigation with Belgium was concluded and signed at Washington on the 29th of March, 1840, and was duly sanctioned by the senate of the United States. The treaty was ratified by his Belgian majesty, but did not receive the approbation of the Belgian chambers within the time limited by its terms, and has therefore become void.

This occurrence assumes the graver aspect, from the consideration that, in 1833, a treaty negotiated between the two governments, and ratified on the part of the United States, failed to be ratified on the part of Belgium. The representative of that government at Washington informs the department of state that he has been instructed to give explanations of the causes which occasioned delay in the approval of the late treaty by the legislature, and to express the regret of the king at the occurrence.

The joint commission under the convention with Texas, to ascertain the true boundary between the two countries, has concluded its labors, but the final report of the commissioners of the United States has not been received. It is understood, however, that the meridian line, as traced by the commission, lies somewhat further east than the position hitherto generally assigned to it, and consequently includes in Texas some part of the territory which had been considered as belonging to the states of Louisiana and Arkansas.

The United States can not but take a deep interest in whatever relates to this young but growing republic. Settled principally by emigrants from the United States, we have the happiness to know that the great principles of civil liberty are there destined to flourish, under wise institutions and wholesome laws; and that, through its example, another evidence is to be afforded of the capacity of popular institutions to advance the prosperity, happiness, and permanent glory of the human race. The great truth, that government was made for the people, and not the people for government, has already been established in the practice and by the example of these United States, and we can do no other than contemplate its further exemplification by a sister republic with the deepest interest.

Our relations with the independent states of this hemisphere, formerly under the dominion of Spain, have not undergone any material change within the past year. The incessant sanguinary conflicts in or between these countries are to be greatly deplored, as necessarily tending to disable them from performing their duties as members of the community of nations, and rising to the destiny which the position and natural resources of many of them might lead them justly to anticipate, as constantly giving occasion, also, directly or indirectly, for complaints on the part of our citizens who resort thither for purposes of commercial intercourse, and as retarding reparation for wrongs already committed, some of which are by no means of recent date.

The failure of the congress of Ecuador to hold a session at the time appointed for that purpose, in January last, will probably render abortive a treaty of commerce with that republic, which was signed at Quito on the



13th of June, 1839, and had been duly ratified on our part, but which required the approbation of that body prior to its ratification by the Ecuadorian executive.

A convention which has been concluded with the republic of Peru, providing for the settlement of certain claims of citizens of the United States upon the government of that republic, will be duly submitted to the senate.

The claims of our citizens against the Brazilian government, originating from captures and other causes, are still unsatisfied. The United States have, however, so uniformly shown a disposition to cultivate relations of amity with that empire, that it is hoped the unequivocal tokens of the same spirit toward us, which an adjustment of the affairs referred to would afford, will be given without further avoidable delay.

The war with the Indian tribes on the peninsula of Florida has, during the last summer and fall, been prosecuted with untiring activity and zeal. A summer campaign was resolved upon, as the best mode of bringing it to a close. Our brave officers and men who have been engaged in that service have suffered toils and privations, and exhibited an energy which, in any other war, would have won for them unfading laurels. In despite of the sickness incident to the climate, they have penetrated the fastnesses of the Indians, broken up their encampments, and harassed them unceasingly. Numbers have been captured, and still greater numbers have surrendered, and have been transported to join their brethren on the lands elsewhere allotted to them by the government; and a strong hope is entertained that, under the conduct of the gallant officer at the head of the troops in Florida, that troublesome and expensive war is destined to a speedy termination. With all the other Indian tribes we are enjoying the blessings of peace. Our duty, as well as our best interests, prompts us to observe, in all our intercourse with them, fidelity in fulfilling our engagements, the practice of strict justice, as well as the constant exercise of acts of benevolence and kindness. These are the great instruments of civilization, and through the use of them alone can the untutored child of the forest be induced to listen to its teachings.

The secretary of state, on whom the acts of Congress have devolved the duty of directing the proceedings for the taking of the sixth census, or enumeration of the inhabitants of the United States, will report to the two houses the progress of that work. The enumeration of persons has been completed, and exhibits a grand total of seventeen millions, sixty-nine thousand, four hundred and fifty-three, making an increase over the census of 1830 of four millions, two hundred and two thousand, six hundred and forty-six inhabitants, and showing a gain in a ratio exceeding thirty-two and a half per cent. for the last ten years.

From the report of the secretary of the treasury, you will be informed of the condition of the finances. The balance in the treasury on the first of January last, as stated in the report of the secretary of the treasury, submitted to Congress at the extra session, was nine hundred and eighty-seven thousand three hundred and forty-five dollars and three cents. The receipts into the treasury, during the first three quarters of this year, from all sources amount to twenty-three millions four hundred and sixty-seven thousand and fifty-two dollars and fifty-two cents. The estimated receipts for the fourth quarter amount to six millions nine hundred and forty-three thousand and ninety-five dollars and twenty-five cents, amounting to thirty millions four hundred and ten thousand one hundred and sixty-seven dol-

lars and seventy-seven cents; and making with the balance in the treasury, on the 1st of January last, thirty-one millions, three hundred and ninety-seven thousand, five hundred and twelve dollars and eighty cents. The expenditures for the first three quarters of this year amount to twenty-four millions, seven hundred and thirty-four thousand, three hundred and forty-six dollars and ninety-seven cents. The expenditures for the fourth quarter, as estimated, will amount to seven millions, two hundred and ninety thousand, seven hundred and twenty-three dollars and seventy-three cents: thus making a total of thirty-two millions, twenty-five thousand, and seventy dollars and seventy cents, and leaving a deficit to be provided for, on the first of January next, of about six hundred and twenty-seven thousand, five hundred and fifty-seven dollars and ninety cents.

Of the loan of twelve millions of dollars, which was authorized by Congress at its late session, only five millions, four hundred and thirty-two thousand, seven hundred and twenty-six dollars and eighty-eight cents have been negotiated. The shortness of time which it had to run has presented no inconsiderable impediment in the way of its being taken by capitalists at home, while the same cause would have operated with much greater force in the foreign market. For that reason the foreign market has not been resorted to; and it is now submitted, whether it would not be advisable to amend the law by making what remains undisposed of payable at a more distant day.

Should it be necessary, in any view that Congress may take of the subject, to revise the existing tariff of duties, I beg leave to say, that, in the performance of that most delicate operation, moderate councils would seem to be the wisest. The government under which it is our happiness to live, owes its existence to the spirit of compromise which prevailed among its framers—jarring and discordant opinions could only have been reconciled by that noble spirit of patriotism which prompted conciliation and resulted in harmony. In the same spirit the compromise bill, as it is commonly called, was adopted at the session of 1833. While the people of no portion of the Union will ever hesitate to pay all necessary taxes for the support of government, yet an innate repugnance exists to the imposition of burdens not really necessary for that object. In imposing duties, however, for the purposes of revenue, a right to discriminate as to the articles on which the duty shall be laid, as well as the amount, necessarily and most properly exists. Otherwise the government would be placed in the condition of having to levy the same duties upon all articles, the productive as well as the unproductive. The slightest duty upon some might have the effect of causing their importation to cease, whereas others, entering extensively into the consumption of the country, might bear the heaviest, without any sensible diminution in the amount imported. So also the government may be justified in so discriminating, by reference to other considerations of domestic policy connected with our manufactures. So long as the duties shall be laid with distinct reference to the wants of the treasury, no well-founded objection can exist against them. It might be esteemed desirable that no such augmentation of the taxes should take place as would have the effect of annulling the land proceeds distribution act of the last session, which act is declared to be inoperative the moment the duties are increased beyond 20 per cent., the maximum rate established by the compromise act.

Some of the provisions of the compromise act, which will go into effect

on the 30th day of June next, may, however, be found exceedingly inconvenient in practice, under any regulations that Congress may adopt. I refer more particularly to that relating to the home valuation. A difference in value of the same articles, to some extent, will necessarily exist at different ports—but that is altogether insignificant when compared with the conflicts in valuation which are likely to arise from the differences of opinion among the numerous appraisers of merchandise. In many instances the estimates of value must be conjectural, and thus as many different rates of value may be established as there are appraisers. These differences in valuation may also be increased by the inclination which, without the slightest imputation on their honesty, may arise on the part of the appraisers in favor of their respective ports of entry. I recommend this whole subject to the consideration of Congress, with a single additional remark. Certainty and permanency in any system of governmental policy, are, in all respects, eminently desirable; but more particularly is this true in all that affects trade and commerce, the operations of which depend much more on the certainty of their returns, and calculations which embrace distant periods of time, than on high bounties, or duties, which are liable to constant fluctuations.

At your late session I invited your attention to the condition of the currency and exchanges, and urged the necessity of adopting such measures as were consistent with the constitutional competency of the government, in order to correct the unsoundness of the one, and, as far as practicable, the inequalities of the other. No country can be in the enjoyment of its full measure of prosperity without the presence of a medium of exchange approximating to uniformity of value. What is necessary as between the different nations of the earth, is also important as between the inhabitants of different parts of the same country; with the first, the precious metals constitute the chief medium of circulation, and such also would be the case as to the last, but for inventions comparatively modern, which have furnished, in place of gold and silver, a paper circulation.

I do not propose to enter into a comparative analysis of the merits of the two systems. Such belonged more properly to the period of the introduction of the paper system. The speculative philosopher might find inducements to prosecute the inquiry, but his researches could only lead him to conclude that the paper system had probably better never have been introduced, and that society might have been much happier without it. The practical statesman has a very different task to perform. He has to look at things as they are—to take them as he finds them—to supply deficiencies, and to prune excesses, as far as in him lies. The task of furnishing a corrective for derangements of the paper medium with us, is almost inexpressibly great. The power exerted by the states to charter banking corporations, and which, having been carried to a great excess, has filled the country with, in most of the states, an irredeemable paper medium, is an evil which, in some way or other, requires a corrective. The rates at which bills of exchange are negotiated between different parts of the country, furnish an index of the value of the local substitute for gold and silver, which is in many parts so far depreciated as not to be received, except at a large discount, in payment of debts or in the purchase of produce. It could earnestly be desired that every bank not possessing the means of resumption, should follow the example of the late United States bank of Pennsylvania, and go into liquidation, rather than, by refusing to do so, to continue embarrassments in the way of solvent institutions,

thereby augmenting the difficulties incident to the present condition of things.

Whether this government, with due regard to the rights of the states, has any power to constrain the banks either to resume specie payments, or to force them into liquidation, is an inquiry which will not fail to claim your consideration. In view of the great advantages which are allowed the corporators, not among the least of which is the authority contained in most of their charters, to make loans to three times the amount of their capital, thereby often deriving three times as much interest on the same amount of money as any individual is permitted by law to receive, no sufficient apology can be urged for a long-continued suspension of specie payments. Such suspension is productive of the greatest detriment to the public, by expelling from circulation the precious metals, and seriously hazarding the success of any effort that this government can make, to increase commercial facilities, and to advance the public interests.

This is the more to be regretted, and the indispensable necessity for a sound currency becomes the more manifest, when we reflect on the vast amount of the internal commerce of the country. Of this we have no statistics, nor just data, for forming adequate opinions. But there can be no doubt but that the amount of transportation coastwise by sea, and the transportation inland by railroads and canals, and by steamboats and other modes of conveyance, over the surface of our vast rivers and immense lakes, and the value of property carried and interchanged by these means, form a general aggregate, to which the foreign commerce of the country, large as it is, makes but a distant approach.

In the absence of any controlling power over this subject, which, by forcing a general resumption of specie payments, would at once have the effect of restoring a sound medium of exchange, and would leave to the country but little to desire, what measure of relief, falling within the limits of our constitutional competency, does it become this government to adopt? It was my painful duty at your last session, under the weight of most solemn obligations, to differ with Congress on the measures which it proposed for my approval, and which it doubtless regarded as corrective of existing evils. Subsequent reflection, and events since occurring, have only served to confirm me in the opinions then entertained, and frankly expressed.

I must be permitted to add, that no scheme of governmental policy, unaided by individual exertions, can be available for ameliorating the present condition of things. Commercial modes of exchange, and a good currency are but the necessary means of commerce and intercourse, not the direct productive sources of wealth. Wealth can only be accumulated by the earnings of industry and the savings of frugality; and nothing can be more ill judged than to look to facilities in borrowing, or to a redundant circulation, for the power of discharging pecuniary obligations. The country is full of resources and the people full of energy, and the great and permanent remedy for present embarrassments must be sought in industry, economy, the observance of good faith, and the favorable influence of time.

In pursuance of a pledge given to you in my last message to Congress, which pledge I urge as an apology for adventuring to present you the details of any plan, the secretary of the treasury will be ready to submit to you, should you require it, a plan of finance which, while it throws around the public treasure reasonable guards for its protection, and rests on pow-

ers acknowledged in practice to exist from the origin of the government, will, at the same time, furnish to the country a sound paper medium, and afford all reasonable facilities for regulating the exchanges. When submitted, you will perceive in it a plan amendatory of the existing laws in relation to the treasury department—subordinate, in all respects, to the will of Congress directly, and the will of the people indirectly—self-sustaining, should it be found in practice to realize its promises in theory—and repealable at the pleasure of Congress.

It proposes, by effectual restraints, and by invoking the true spirit of our institutions, to separate the purse from the sword; or, more properly to speak, denies any other control to the president over the agents who may be selected to carry it into execution, but what may be indispensably necessary to secure the fidelity of such agents; and, by wise regulations, keeps plainly apart from each other private and public funds. It contemplates the establishment of a board of control, at the seat of government, with agencies at prominent commercial points, or wherever else Congress shall direct, for the safekeeping and disbursement of the public moneys, and a substitution, at the option of the public creditor, of treasury-notes in lieu of gold and silver. It proposes to limit the issues to an amount not to exceed fifteen millions of dollars, without the express sanction of the legislative power. It also authorizes the receipt of individual deposits of gold and silver to a limited amount, and the granting certificates of deposit, divided into such sums as may be called for by the depositors. It proceeds a step further, and authorizes the purchase and sale of domestic bills and drafts, resting on a real and substantial basis, payable at sight, or having but a short time to run, and drawn on places not less than one hundred miles apart—which authority, except in so far as may be necessary for government purposes exclusively, is only to be exerted upon the express condition that its exercise shall not be prohibited by the state in which the agency is situated.

In order to cover the expenses incident to the plan, it will be authorized to receive moderate premiums for certificates issued on deposits, and on bills bought and sold, and thus, as far as its dealings extend, to furnish facilities to commercial intercourse at the lowest possible rates, and to subduct from the earnings of industry the least possible sum. It uses the state banks at a distance from the agencies, as auxiliaries, without imparting any power to trade in its name. It is subjected to such guards and restraints as have appeared to be necessary. It is the creature of law, and exists only at the pleasure of the legislature. It is made to rest on an actual specie basis, in order to redeem the notes at the places of issue—produces no dangerous redundancy of circulation—affords no temptation to speculation—is attended by no inflation of prices—is equal in its operation—makes the treasury-notes (which it may use along with the certificates of deposit, and the notes of specie-paying banks) convertible at the place where collected, receivable in payment of government dues—and, without violating any principle of the constitution, affords the government and the people such facilities as are called for by the wants of both. Such, it has appeared to me, are its recommendations, and in view of them, it will be submitted, whenever you may require it, to your consideration.

I am not able to perceive that any fair and candid objection can be urged against the plan, the principal outlines of which I have thus presented. I can not doubt but that the notes which it proposes to furnish

at the voluntary option of the public creditor, issued in lieu of the revenue and its certificates of deposit, will be maintained at an equality with gold and silver everywhere. They are redeemable in gold and silver on demand, at the place of issue. They are receivable everywhere in payment of government dues. The treasury-notes are limited to an amount of one fourth less than the estimated annual receipts of the treasury; and in addition, they rest upon the faith of the government for their redemption. If all these assurances are not sufficient to make them available, then the idea, as it seems to me, of furnishing a sound paper medium of exchanges, may be entirely abandoned.

If a fear be indulged that the government may be tempted to run into excess in its issues at any future day, it seems to me that no such apprehension can reasonably be entertained, until all confidence in the representatives of the states and of the people, as well as of the people themselves, shall be lost. The weightiest considerations of policy require that the restraints now proposed to be thrown around the measure should not for light causes be removed. To argue against any proposed plan its liability to possible abuses, is to reject every expedient, since everything dependent on human action is liable to abuse. Fifteen millions of treasury-notes may be issued as the *maximum*, but a discretionary power is to be given to the board of control, under that sum, and every consideration will unite in leading them to feel their way with caution. For the first eight years of the existence of the late bank of the United States, its circulation barely exceeded four millions of dollars; and, for five of its most prosperous years, it was about equal to sixteen millions of dollars: furthermore, the authority given to receive private deposits to a limited amount, and to issue certificates in such sums as may be called for by the depositors, may so far fill up the channels of circulation as greatly to diminish the necessity of any considerable issue of treasury-notes.

A restraint upon the amount of private deposits has seemed to be indispensably necessary, from an apprehension, thought to be well-founded, that in any emergency of trade, confidence might be so far shaken in the banks as to induce a withdrawal from them of private deposits, with a view to insure their unquestionable safety when deposited with the government, which might prove eminently disastrous to the state banks. Is it objected that it is proposed to authorize the agencies to deal in bills of exchange? It is answered, that such dealings are to be carried on at the lowest possible premium—are made to rest on an unquestionably sound basis—are designed to reimburse merely the expenses which would otherwise devolve upon the treasury, and are in strict subordination to the decision of the supreme court, in the case of the bank of Augusta against Earle, and other reported cases; and thereby avoids all conflict with state jurisdiction, which I hold to be indispensably requisite. It leaves the banking privileges of the states without interference—looks to the treasury and the Union—and, while furnishing every facility to the first, is careful of the interest of the last. But, above all, it is created by law, is amendable by law, and is repealable by law; and wedded as I am to no theory, but looking solely to the advancement of the public good, I shall be among the very first to urge its repeal, if it be found not to subserve the purposes and objects for which it may be created. Nor will the plan be submitted on any overweening confidence in the sufficiency of my own judgment, but with much greater reliance on the wisdom and patriotism of Congress. I can not abandon this subject without urging upon you, in the most em-

phatic manner, whatever may be your action on the suggestions which I have felt it to be my duty to submit, to relieve the chief executive magistrate, by any and all constitutional means, from a controlling power over the public treasury. If, in the plan proposed, should you deem it worthy of your consideration, that separation is not as complete as you may desire, you will doubtless amend it in that particular. For myself, I disclaim all desire to have any control over the public moneys other than what is indispensably necessary to execute the laws which you may pass.

Nor can I fail to advert, in this connexion, to the debts which many of the states of the Union have contracted abroad, and under which they continue to labor. That indebtedness amounts to a sum not less than two hundred millions of dollars, and which has been retributed to them, for the most part, in works of internal improvement, which are destined to prove of vast importance in ultimately advancing their prosperity and wealth. For the debts thus contracted the states are alone responsible. I can do no more than express the belief that each state will feel itself bound, by every consideration of honor as well as of interest, to meet its engagements with punctuality. The failure, however, of any one state to do so should in no degree affect the credit of the rest; and the foreign capitalist will have no just cause to experience alarm as to all other state stocks, because any one or more of the states may neglect to provide with punctuality the means of redeeming their engagements. Even such states, should there be any, considering the great rapidity with which their resources are developing themselves, will not fail to have the means, at no very distant day, to redeem their obligations to the uttermost farthing; nor will I doubt but that, in view of that honorable conduct which has evermore governed the states and the people of this Union, they will each and all resort to every legitimate expedient, before they will forego a faithful compliance with their obligations.

From the report of the secretary of war, and other reports accompanying it, you will be informed of the progress which has been made in the fortifications designed for the protection of our principal cities, roadsteads, and inland frontier, during the present year, together with their true state and condition. They will be prosecuted to completion with all the expedition which the means placed by Congress at the disposal of the executive will allow.

I recommend particularly to your consideration that portion of the secretary's report which proposes the establishment of a chain of military posts from Council Bluffs to some point on the Pacific ocean within our limits. The benefits thereby destined to accrue to our citizens engaged in the fur-trade over that wilderness region, added to the importance of cultivating friendly relations with savage tribes inhabiting it, and, at the same time, of giving protection to our frontier settlements, and of establishing the means of safe intercourse between the American settlements at the mouth of the Columbia river and those on this side of the Rocky mountains, would seem to suggest the importance of carrying into effect the recommendations upon this head with as little delay as may be practicable.

The report of the secretary of the navy will place you in possession of the present condition of that important arm of the national defence. Every effort will be made to add to its efficiency; and I can not too strongly urge upon you liberal appropriations to that branch of the public service. Inducements of the weightiest character exist for the adoption of this course

of policy. Our extended and otherwise exposed maritime frontier calls for protection, to the furnishing of which an efficient naval force is indispensable. We look to no foreign conquests, nor do we propose to enter into competition with any other nation for supremacy on the ocean; but it is due, not only to the honor, but to the security of the people of the United States, that no nation should be permitted to invade our waters at pleasure, and subject our towns and villages to conflagration or pillage. Economy in all branches of the public service is due from all the public agents to the people; but parsimony alone would suggest the withholding of the necessary means for the protection of our domestic firesides from invasion, and our national honor from disgrace. I would most earnestly recommend to Congress to abstain from all appropriations for objects not absolutely necessary; but I take upon myself, without a moment of hesitancy, all the responsibility of recommending the increase and prompt equipment of that gallant navy which has lighted up every sea with its victories, and spread an imperishable glory over the country.

The report of the postmaster-general will claim your particular attention, not only because of the valuable suggestions which it contains, but because of the great importance which at all times attaches to that interesting branch of the public service. The increased expense of transporting the mail along the principal routes necessarily claims the public attention, and has awakened a corresponding solicitude on the part of the government. The transmission of the mail must keep pace with those facilities of intercommunication which are every day becoming greater through the building of railroads and the application of steam-power: but it can not be disguised that, in order to do so, the postoffice department is subjected to heavy exactions. The lines of communication between distant parts of the Union are, to a great extent, occupied by railroads, which, in the nature of things, possess a complete monopoly, and the department is therefore liable to heavy and unreasonable charges. This evil is destined to great increase in future, and some timely measure may become necessary to guard against it.

I feel it my duty to bring under your consideration a practice which has grown up in the administration of the government, and which, I am deeply convinced, ought to be corrected. I allude to the exercise of the power which usage, rather than reason, has vested in the president of removing incumbents from office, in order to substitute others more in favor with the dominant party. My own conduct in this respect has been governed by a conscientious purpose to exercise the removing power only in cases of unfaithfulness or inability, or in those in which its exercise appeared necessary, in order to discountenance and suppress that spirit of active partisanship on the part of holders of office which not only withdraws them from the steady and impartial discharge of their official duties, but exerts an undue and injurious influence over elections, and degrades the character of the government itself, inasmuch as it exhibits the chief magistrate as being a party, through his agents, in the secret plots or open workings of political parties.

In respect to the exercise of this power, nothing should be left to discretion which may safely be regulated by law; and it is of high importance to restrain, as far as possible, the stimulus of personal interests in public elections. Considering the great increase which has been made in public officers in the last quarter of a century, and the probability of further increase, we incur the hazard of witnessing violent political con-



tests, directed too often to the single object of retaining office by those who are in, or obtaining it by those who are out. Under the influence of these convictions, I shall cordially concur in any constitutional measures for regulating, and, by regulating, restraining the power of removal.

I suggest for your consideration the propriety of making, without further delay, some specific application of the funds derived under the will of Mr. Smithson, of England, for the diffusion of knowledge, and which have heretofore been vested in public stocks until such time as Congress should think proper to give them a specific direction. Nor will you, I feel confident, permit any abatement of the principal of the legacy to be made, should it turn out that the stocks in which the investments have been made have undergone a depreciation.

In conclusion, I commend to your care the interests of this district, for which you are the exclusive legislators. Considering that this city is the residence of the government, and, for a large part of the year, of Congress, and considering, also, the great cost of the public buildings, and the propriety of affording them at all times careful protection, it seems not unreasonable that Congress should contribute toward the expense of an efficient police.

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## SPECIAL MESSAGE.

FEBRUARY 9, 1842.

*To the House of Representatives of the United States:—*

IN answer to a resolution of the house of representatives, of the 7th of February, 1842, in the following words: "*Resolved*, That the president of the United States inform this house under what authority the commission, consisting of George Poindexter, and others, for the investigation of the concerns of the New York customhouse, was raised; what were the purposes and objects of said commission; how many persons have, in any way, been connected with it, and the compensation received or to be received by each; and the aggregate amount of every description of said commission; and out of what fund the said expenditures have been or are to be paid." I have to state, that the authority for instituting the commission mentioned in said resolution, is the authority vested in the president of the United States, to take care that the laws be faithfully executed, and to give to Congress, from time to time, information on the state of the Union, and to recommend to their consideration such measures as he shall judge necessary and expedient.

The expediency, if not necessity, of inquiries into the transactions of our customhouses, especially where abuses and malpractices are alleged, must be obvious to Congress; and that investigations of this kind were expected to be made, appears from the provision of the twenty-first section of the act of 1799, which enjoins collectors of the customs to submit their books, papers, and accounts, to the inspection of such persons as shall be appointed for that purpose.

The purposes and objects of the mission will be explained by the mission itself; a copy of which, together with information on other subjects mentioned in the resolution, will, at the proper time, be laid before Congress.

SPECIAL MESSAGE.

FEBRUARY 16, 1842.

*To the House of Representatives of the United States :—*

I TRANSMIT, herewith, a communication addressed to me by the secretary of war, in relation to certain contracts entered into by a board of medical officers, appointed for that purpose, for the purchase of sites on the western waters, for the erection of marine hospitals ; and, concurring fully in his views of the subject, I recommend that either an appropriation of forty-four thousand seven hundred and twenty-one dollars be made, for the purpose of satisfying the claims of the individuals with whom the contracts were made, or that the department of war be authorized to reconvey to them their lands, and annul the contracts.

SPECIAL MESSAGE.

FEBRUARY 26, 1842.

*To the House of Representatives of the United States :—*

THE resolution of the house of representatives of the 21st instant, requesting the president of the United States to communicate to that body "if not incompatible with the public interest, the state of the negotiation between the United States and the government of Great Britain, in relation to the northeastern boundary of the state of Maine, and also, all correspondence on that subject between the two governments, not hitherto communicated," has been transmitted to me. Desirous always to lay before Congress and the public everything affecting the state of the country, to the fullest extent consistent with propriety and prudence, I have to inform the house of representatives that, in my judgment, no communication could be made by me at this time, on the subject of its resolution, without detriment or danger to the public interests.

SPECIAL MESSAGE.

MARCH 8, 1842.

*To the House of Representatives of the United States :—*

I FEEL it to be my duty to invite your attention to the accompanying communication from the secretary of the treasury, in relation to the probable demands which will be made upon the treasury for the present quarter. It will be seen that, without arresting the requisitions which will be made by the war and navy departments for the months of March, April, and May, there will be an unprovided-for deficit of upward of three millions.

I can not bring myself, however, to believe that it will enter into the view of any department of the government to arrest works of defence now in progress of completion, or vessels under construction or prepa-

ration for sea. Having due regard to the unsettled condition of our foreign relations, and the exposed situation of our inland and maritime frontier, I should feel myself wanting in my duty to the country, if I could hesitate in urging upon Congress all necessary appropriations for placing it in an attitude of strength and security. Such recommendation, however, has heretofore been made, in full reliance, as well on Congress as on the well-known patriotism of the people, their high sense of national honor, and their determination to defend our soil from the possibility, however remote, of a hostile invasion.

The diminution in the revenue arising from the great diminution of duties under what is commonly called the compromise act, necessarily involves the treasury in embarrassments, which have been for some years palliated by the temporary expedient of issuing treasury-notes—an expedient which, affording no permanent relief, has imposed upon Congress, from time to time, the necessity of replacing the old by a new issue. The amount outstanding on the 4th of March, 1840, varies in no great degree from the amount which will be outstanding on the first of January next; while in the interim the new issues are rendered equivalent to the redemption of the old, and at the end of the fiscal year leave an augmented pressure on the finances by the accumulation of interest.

The contemplated revision of the tariff of duties may, and doubtless will, lead in the end to a relief of the treasury from those constantly-recurring embarrassments: but it must be obvious that time will be necessary to realize the full anticipations of financial benefit from any modification of the tariff laws. In the meantime, I submit to Congress the suggestions made by the secretary, and invite its prompt and speedy action.

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## SPECIAL MESSAGE.

MARCH 8, 1842.

*To the Senate and House of Representatives of the United States:—*

IN my message of the 7th of December, I suggested to Congress the propriety, and in some degree the necessity, of making proper provisions by law, within the pale of the constitution, for the removal, at their commencement, and at the option of the party, of all such cases as might arise in state courts involving national questions, or questions touching the faithful observance and discharge of the international obligations of the United States, from such state tribunal to the federal judiciary. I am urged to repeat, at this time, this recommendation, by the receipt of intelligence, upon which I can rely, that a subject of Great Britain, residing in Upper Canada, has been arrested upon a charge of connexion with the expedition fitted out by the Canadian authorities by which the "Caroline" was destroyed, and will, in all probability, be subjected to trial in the state courts of New York. It is doubtful whether, in this state of things, should his discharge be demanded by the British government, this government is invested with any control over the subject until the case shall have reached the court of final resort of the state of New York, and been decided in that court. And although such delay ought not, in a national point of view, to give cause of umbrage to Great Britain, yet the prompt and instant rendering of justice to foreign nations should be placed among our

highest duties. I can not, therefore, in consideration of what properly becomes the United States, and in anticipation of any demand from a foreign government for the discharge of one of its subjects, forego the duty of repeating my recommendation to Congress for the immediate adoption of some suitable legislative provision on this subject.

## SPECIAL MESSAGE.

MARCH 23, 1842.

*To the House of Representatives of the United States:—*

A RESOLUTION adopted by the house of representatives on the 16th instant, in the following words, viz., "*Resolved*, That the president of the United States and the heads of the several departments be requested to communicate to the house of representatives the names of such of the members (if any) of the twenty-sixth and twenty-seventh Congress who have been applicants for office, and for what offices, distinguishing between those who have applied in person, and those whose applications were made by friends, whether in person or by writing"—has been transmitted to me for my consideration.

If it were consistent with the rights and the duties of the executive department, it would afford me great pleasure to furnish in this, as in all cases in which proper information is demanded, a ready compliance with the wishes of the house of representatives. But since, in my view, general considerations of policy and propriety, as well as a proper defence of the rights and safeguards of the executive department, require of me, as the chief magistrate, to refuse compliance with the terms of this resolution, it is incumbent on me to urge, for the consideration of the house of representatives, my reasons for declining to give the desired information.

All appointments to office made by a president become, from the date of their nomination to the senate, official acts, which are matter of record, and are at the proper time made known to the house of representatives and to the country. But applications for office, or letters respecting appointments, or conversations held with individuals on such subjects, are not official proceedings, and can not by any means be made to partake of the character of official proceedings, unless, after the nomination of such person so writing or conversing, the president shall think proper to lay such correspondence or such conversations before the senate. Applications for office are in their very nature confidential; and, if the reasons assigned for such applications, or the names of the applicants, were communicated, not only would such implied confidence be wantonly violated, but, in addition, it is quite obvious that a mass of vague, incoherent, and personal matter, would be made public at a vast consumption of time, money, and trouble, without accomplishing, or tending in any manner to accomplish, as it appears to me, any useful object connected with a sound and constitutional administration of the government in any of its branches.

But there is a consideration of a still more effective and lofty character, which is with me entirely decisive of the correctness of the view that I have taken of this question. While I shall ever evince the greatest readiness to communicate to the house of representatives all proper information which the house shall deem necessary to a due discharge of its

constitution and obligations and functions, yet it becomes me, in defence of the constitution and laws of the United States, to protect the executive department from all encroachment on its powers, rights, and duties. In my judgment, a compliance with the resolution which has been transmitted to me would be a surrender of duties and powers which the constitution has conferred exclusively on the executive; and, therefore, such compliance can not be made by me, nor by the heads of departments by my direction. The appointing power, so far as it is bestowed on the president by the constitution, is conferred without reserve or qualification. The reason for the appointment, and the responsibility of the appointment, rest with him alone. I can not perceive anywhere in the constitution of the United States any right conferred on the house of representatives to hear the reasons which an applicant may urge for an appointment to office under the executive department, or any duty resting upon the house of representatives by which it may become responsible for any such appointment.

Any assumption or misapprehension on the part of the house of representatives of its duties and powers in respect to appointments, by which it encroaches on the rights and duties of the executive department, is, to the extent to which it reaches, dangerous, impolitic, and unconstitutional.

For these reasons, so perfectly convincing to my mind, I beg leave respectfully to repeat, in conclusion, that I can not comply with the request contained in the above resolution.

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## SPECIAL MESSAGE.

MARCH 25, 1842.

*To the Senate and House of Representatives of the United States:—*

NOTWITHSTANDING the urgency with which I have, on more than one occasion, felt it my duty to press upon Congress the necessity of providing the government with the means of discharging its debts, and maintaining inviolate the public faith, the increasing embarrassments of the treasury impose upon me the indispensable obligation of again inviting your most serious attention to the condition of the finances. Fortunately for myself in thus bringing this important subject to your view for a deliberate and comprehensive examination in all its bearings, and I trust I may add, for a final adjustment of it, to the common advantage of the whole Union, I am permitted to approach it with perfect freedom and candor. As few of the burdens for which provision is now required to be made, have been brought upon the country during my short administration of its affairs, I have neither motive nor wish to make them a matter of crimination against any of my predecessors. I am disposed to regard, as I am bound to treat them, *as facts* which can not now be undone, and as deeply interesting to us all, and equally imposing upon all the most solemn duties; and the only use I would make of the errors of the past is, by a careful examination of their causes and character, to avoid, if possible, the repetition of them in future. The condition of the country, indeed, is such as may well arrest the conflict of parties. The conviction seems at length to have made its way to the minds of all, that the disproportion between the

public responsibilities and the means provided for meeting them, is no casual nor transient evil. It is, on the contrary, one which, for some years to come, notwithstanding a resort to all reasonable retrenchments, and the constant progress of the country in population and productive power, must continue to increase under existing laws, unless we consent to give up or impair all our defences in war and peace. But this is a thought which, I am persuaded, no patriotic mind would for a moment entertain. Without affecting an alarm which I do not feel, in regard to our foreign relations, it may safely be affirmed that they are in a state too critical, and involves too many momentous issues, to permit us to neglect in the least, much less to abandon entirely, those means of asserting our rights, without which negotiation is without dignity and peace without security.

In the report of the secretary of the treasury, submitted to Congress at the commencement of the present session, it is estimated that, after exhausting all the probable resources of the year, there will remain a deficit of about fourteen millions of dollars. With a view partly to a permanent system of revenue, and partly to immediate relief from actual embarrassment, that officer recommended, together with a plan for establishing a government exchequer, some expedients of a more temporary character, viz., the issuing of treasury-notes, and the extension of the time for which the loan, authorized to be negotiated by the act of the last session, should be taken. Congress accordingly provided for an issue of treasury-notes, to the amount of five millions of dollars, but subject to the condition that they should not be paid away below par.

No measure connected with the last of the two objects abovementioned, was introduced until recently into the house of representatives. Should the loan-bill now pending before that body pass into a law for its present amount, there would still remain a deficit of two millions, five hundred thousand dollars. It requires no argument to show, that such a condition of the treasury is incompatible, not only with a high state of public credit, but with anything approaching to efficiency in the conduct of public affairs. It must be obvious, even to the most inexperienced minds, to say nothing of any particular exigency, actual or imminent, there should be at all times in the treasury of a great nation, with a view to contingencies of ordinary occurrence, a surplus, at least equal in amount to the above deficiency. But that deficiency, serious as it would be in itself, will, I am compelled to say, rather be increased than diminished, without the adoption of measures adequate to correct the evil at once. The stagnation of trade and business, in some degree incident to the derangement of the national finances, and the state of the revenue laws, holds out but little prospect of relief, in the ordinary course of things, for some time to come.

Under such circumstances, I am deeply impressed with the necessity of meeting the crisis with a vigor and decision which it imperatively demands at the hands of all intrusted with the conduct of public affairs. The gravity of the evil calls for a remedy proportioned to it. No slight palliatives or occasional expedients will give the country the relief it needs. Such measures, on the contrary, will, in the end, as is now manifest to all, too surely multiply its embarrassments. Relying, as I am bound to do, on the representatives of a people rendered illustrious among nations by having paid off its whole public debt, I shall not shrink from the responsibility imposed upon me by the constitution, of pointing out such measures as will, in my opinion, insure adequate relief. I am the more encouraged to recommend the course which necessity exacts, by

the confidence which I have in its complete success. The resources of the country, in everything that constitutes the wealth and strength of nations, are so abundant—the spirit of a most industrious, enterprising, and intelligent people, is so energetic and elastic—that the government will be without the shadow of excuse for its delinquency, if the difficulties which now embarrass it be not speedily and effectually removed.

From present indications, it is hardly doubtful that Congress will find it necessary to lay additional duties on imports, in order to meet the ordinary current expenses of the government. In the exercise of a sound discrimination, having reference to revenue, but, at the same time, necessarily affording incidental protection to manufacturing industry, it seems equally probable that duties on some articles of importation will have to be advanced above twenty per cent. In performing this important work of revising the tariff of duties, which, in the present emergency, would seem to be indispensable, I can not too strongly recommend the cultivation of a spirit of mutual harmony and concession, to which the government itself owes its origin, and without the continued exercise of which, jarring and discord would universally prevail.

An additional reason for the increase of duties, in some instances, beyond the rate of twenty per cent., will exist in fulfilling the recommendations already made, and now repeated, of making adequate appropriations for the defences of the country.

By the express provision of the act distributing the proceeds of the sales of the public lands among the states, its operation is *ipso facto* to cease, so soon as the rate of the duties shall exceed the limits prescribed in the act.

In recommending the adoption of measures for distributing the proceeds of the public lands among the states, at the commencement of the last session of Congress, such distribution was urged by arguments and considerations which appeared to me then, and appear to me now, of great weight, and was placed on the condition that it should not render necessary any departure from the act of 1833. It is with sincere regret that I now perceive the necessity of departing from that act, because I am well aware that expectations justly entertained by some of the states will be disappointed by any occasion which shall withhold from them the proceeds of the lands. But the condition was plainly expressed in the message, and was inserted in terms equally plain in the law itself; and amid the embarrassments which surround the country on all sides, and beset both the general and the state governments, it appears to me that the object first and highest in importance is to establish the credit of this government, and to place it on durable foundations, and thus afford the most effectual support to the credit of the states, equal, at least, to what it would receive from a direct distribution of the proceeds of the sales of the public lands.

When the distribution law was passed, there was reason to anticipate that there soon would be a real surplus to distribute. On that assumption it was, in my opinion, a wise, a just, and a beneficent measure. But to continue it in force while there is no such surplus to distribute, and when it is manifestly necessary, not only to increase the duties, but at the same time to borrow money in order to liquidate the public debt and disembarass the public treasury, would cause it to be regarded as an unwise alienation of the best security of the public creditor, which would with difficulty be excused, and could not be justified.

Causes of no ordinary character have recently depressed American

credit in the stock market of the world to a degree quite unprecedented. I need scarcely mention the condition of the banking institutions of some of the states, the vast amount of foreign debt contracted during a period of wild speculation, by corporations and individuals, and, above all, the doctrine of repudiation of contracts solemnly entered into by states, which, although as yet applied only under circumstances of a peculiar character, and generally rebuked with severity by the moral sense of the community, is yet so very licentious, and, in a government depending wholly on opinion, so very alarming, that the impression made by it to our disadvantage as a people is anything but surprising. Under such circumstances, it is imperatively due from us to the people whom we represent, that when we go into the money-market to contract a loan, we should tender such securities as to cause the money-lender, as well at home as abroad, to feel that the most propitious opportunity is afforded him of investing profitably and judiciously his capital. A government which has paid off the debts of two wars, waged with the most powerful nation of modern times, should not be brought to the necessity of chaffering for terms in the money-market. Under such circumstances as I have adverted to, our object should be to produce with the capitalist a feeling of entire confidence, by a tender of that sort of security which in all times past has been esteemed sufficient, and which, for the small amount of our proposed indebtedness, will unhesitatingly be regarded as amply adequate. While a pledge of all the revenues amounts to no more than is implied in every instance when the government contracts a debt, and although it ought, in ordinary circumstances, to be entirely satisfactory, yet in times like these the capitalist would feel better satisfied with the pledge of a specific fund, ample in magnitude to the payment of his interest, and ultimate reimbursement of his principal. Such is the character of the land fund. The most vigilant money-dealer will readily perceive that not only will his interest be secure on such a pledge, but that a debt of eighteen or twenty millions would, by the surplus of sales over and above the payment of the interest, be extinguished within any reasonable time fixed for its resumption. To relieve the treasury from its embarrassments, and to aid in meeting its requisitions, until time is allowed for any new tariff of duties to become available, it would seem to be necessary to fund a debt approaching to eighteen millions of dollars; and, in order to place the negotiation of the loan beyond a reasonable doubt, I submit to Congress whether the proceeds of the sales of the public lands should not be pledged for the payment of the interest, and the secretary of the treasury be authorized, out of the surplus of the proceeds of such sales, to purchase the stock, when it can be procured on such terms as will render it beneficial in that way, to extinguish the debt, and prevent the accumulation of such surplus while its distribution is suspended.

No one can doubt, that were the federal treasury now as prosperous as it was ten years ago, and its fiscal operations conducted by an efficient agency of its own, coextensive with the Union, the embarrassments of the states and corporations in them would produce, even if they continued as they are (were that possible), effects far less disastrous than those now experienced. It is the disorder here, at the heart and centre of the system, that paralyzes and deranges every part of it. Who does not know the permanent importance, not to the federal government alone, but to every state and every individual within its jurisdiction, even in their most independent and isolated individual pursuits, in the preservation of a sound



state of public opinion, and a judicious administration here? The sympathy is instantaneous and universal. To attempt to remedy the evil of the deranged credit and currency of the states, while the disease is allowed to rage in the vitals of this government, would be a hopeless undertaking.

It is the full conviction of this truth which imboldens me most earnestly to recommend to your early and serious consideration the measures now submitted to your better judgment, as well as those to which your attention has been already invited. The first great want of the country, that without answering which, all attempts at bettering the present condition of things will prove fruitless, is a complete restoration of the credit and finances of the federal government. The source and foundation of all credit is in the confidence which the government inspires; and just in proportion as that confidence shall be shaken or diminished will be the distrust among all classes of the community, and the derangement and demoralization in every branch of business and all the interests of the country. Keep up the standard of good faith and punctuality in the operations of the general government, and all partial irregularities and disorders will be rectified by the influence of its example; but suffer that standard to be debased or disturbed, and it is impossible to foresee to what a degree of degradation and confusion all financial interests, public and private, may sink. In such a country as this, the representatives of the people have only to will it, and the public credit will be as high as it ever was.

My own views of the measures calculated to effect this great and desirable object I have thus frankly expressed to Congress, under circumstances which give to the entire subject a peculiar and solemn interest. The executive can do no more. If the credit of the country be exposed to question, if the public defences be broken down or weakened, if the whole administration of public affairs be embarrassed for want of the necessary means for conducting them with vigor and effect, I trust that this department of the government will be found to have done all that was in its power to avert such evils, and will be acquitted of all just blame on account of them.

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## SPECIAL MESSAGE.

MARCH 30, 1842.

*To the House of Representatives of the United States:—*

I TRANSMIT to the house of representatives two extracts from a note of the chargé d'affaires of the republic of Texas, accredited to this government, to the department of state: one suggesting, in behalf of his government, such modifications of the existing laws of the United States as will impart greater facility to the trade between the two countries, particularly to that which passes across their frontier; and the other expressing a desire for some regulation on the part of this government, by means of which the communication by port between the United States and Texas may be improved.

As the wishes of the Texan government in relation to those subjects can only be gratified by means of laws to be passed by Congress, they are accordingly referred to the consideration of the two houses.

## SPECIAL MESSAGE.

APRIL 7, 1842.

*To the House of Representatives of the United States :—*

I HEREWITH transmit to the house of representatives copies of a letter addressed to the secretary of state by the chairman of the board of commissioners appointed to explore the territory and survey the boundary line between the states of Maine and New Hampshire and the adjoining British provinces, together with the report of the operations of that commission to the 31st ultimo, and a profile of the meridian line from the source of the St. Croix river, as far as surveyed, illustrative of the report.

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## SPECIAL MESSAGE.

APRIL 9, 1842.

*To the House of Representatives of the United States :—*

I TRANSMIT herewith, to the house of representatives, a report from the secretary of state, with a copy of the correspondence [with the British government relative to an international copyright law] requested by their resolution of the 7th instant.

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## SPECIAL MESSAGE.

APRIL 30, 1842.

*To the House of Representatives of the United States :—*

IN compliance with your resolution of the 29th instant, I have the honor to transmit the reports of Messrs. Kelly and Steuart, two of the commissioners originally appointed, along with Mr. Poindexter, to investigate the affairs of the customhouse at New York, together with all the correspondence and testimony accompanying the same; and also the report of Mr. Poindexter, to which is annexed two letters, subscribed by Mr. Poindexter and Mr. Bradley. The last-named gentleman was substituted in the place of Mr. Kelly, whose inclinations and duties called him to his residence, in Ohio, after the return of the commissioners to this city, about the last of August. One of the letters just mentioned was addressed to the secretary of the treasury, and bears date the 12th of April instant, and the other to myself, dated the 20th of this month. From the former you will learn that a most interesting portion of the inquiry instituted by this department (viz., that relating to the lighthouses, buoys, beacons, revenue-cutters, and revenue-boats), is proposed to be made the subject of a further report by Messrs. Bradley and Poindexter. You will also learn, through the accompanying letter from Mr. Steuart, the reasons which have delayed him in making a supplemental and additional report to that already made by himself and Mr. Kelly, embracing his views and

opinions upon the developments made subsequent to the withdrawal of Mr. Kelly from the commission, and the substitution of Mr. Bradley in his place. I also transmit two documents furnished by Mr. Steuart, and which were handed by him to the secretary of the treasury on the 7th instant—the one being “memoranda of proceedings,” &c., marked No. 1, and the other, “letters accompanying memoranda,” &c., marked No. 2.

The commission was instituted for the purpose of ascertaining existing defects in the customhouse regulations; to trace to their true causes past errors; to detect abuses, and, by recommending wholesome reforms, to guard in future not only against fraud and speculation, but error and mismanagement. For these purposes, a selection was made of persons of acknowledged intelligence and industry; and upon this task they have been engaged almost an entire year, and their labors remain yet to be completed. The character of those labors may be estimated by the extent of Messrs. Kelly and Steuart's report, embracing about one hundred pages of closely-written manuscript, the voluminous memoranda and correspondence of Mr. Steuart, the great mass of evidence accompanying Messrs. Kelly and Stuart's report, and the report of Mr. Poindexter, extending to over three hundred and ninety-four pages, comprised in the volume accompanying this, and additional reports still remaining to be made, as before stated.

I should be better pleased to have it in my power to communicate the entire mass of reports made, and contemplated to be made, at one and the same time, and still more should I have been gratified if time could have been allowed me, consistently with the apparent desire of the house of representatives, to be put into immediate possession of these papers, to have compared, or even to have read with deliberation, the views presented by the commissioners as to the proposed reforms in the revenue laws, together with the mass of documentary evidence and information by which they have been explained and enforced, and which do not admit of a satisfactory comparison until the whole circle of reports be completed. Charges of malfeasance against some of those now in office will devolve upon the executive a rigid investigation into their extent and character, and will, in due season, claim my attention. The readiness, however, with which the house proposes to enter upon the grave and difficult subjects which these papers suggest having anticipated that consideration of them by the executive which their importance demands, it only remains for me, in lieu of specific recommendations, which, under other circumstances, it would have been my duty to make, to urge upon Congress the importance and necessity of introducing the earliest reforms in existing laws and usages, so as to guard the country in future against frauds in the collection of the revenue, and the treasury against speculation; to relieve trade and commerce from oppressive regulations, and to guard law and morality against violation and abuse.

As, from their great volume, it has been necessary to transmit the original papers to the house, I have suggested the propriety of the house taking order for their restoration to the treasury department at such time as may comport with its pleasure.

SPECIAL MESSAGE.

MAY 2, 1842.

*To the House of Representatives of the United States :—*

I HAVE this day received, and now transmit to the house of representatives, the accompanying communication from Benjamin F. Butler, having relation to the reports of the commissioners appointed by me to examine into the affairs connected with the New York customhouse. As the whole subject is in the possession of the house, I deem it also proper to communicate Mr. Butler's letter.

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SPECIAL MESSAGE

MAY 10, 1842.

*To the Senate and House of Representatives of the United States :—*

THE season for active hostilities in Florida having nearly terminated, my attention has necessarily been directed to the course of measures to be pursued hereafter in relation to the few Indians yet remaining in that territory. Their number is believed not to exceed two hundred and forty, of whom there are supposed to be about eighty warriors, or males capable of bearing arms. The further pursuit of these miserable beings by a large military force seems to be as injudicious as it is unavailing. The history of the last year's campaign in Florida has satisfactorily shown that, notwithstanding the vigorous and incessant operations of our troops (which can not be exceeded), the Indian mode of warfare, their dispersed condition, and the very smallness of their number (which increases the difficulty of finding them in the abundant and almost inaccessible hiding-places of the territory), render any further attempt to secure them by force impracticable, except by the employment of the most expensive means. The exhibition of force, and the constant efforts to capture or destroy them, of course place them beyond the reach of overtures to surrender.

It is believed by the distinguished officer in command there, that a different system should now be pursued, to attain the removal of all the Indians in Florida. And he recommends that hostilities should cease, unless the renewal of them be rendered necessary by new aggressions; that communications should be opened, by means of the Indians, with him, to insure them a peaceful and voluntary surrender; and that the military operations should hereafter be directed to the protection of the inhabitants.

These views are strengthened and corroborated by the governor of the territory, by many of its most intelligent citizens, and by numerous officers of the army who have served and are still serving in that region. Mature reflection has satisfied me that these recommendations are sound and just. And I rejoice that, consistent with duty to Florida, I may indulge my desire to promote the great interests of humanity, and extend the reign of peace and good-will, by terminating the unhappy warfare that has so long been carried on there, and, at the same time, gratify my anxiety to reduce the demands upon the treasury, by curtailing the extraordinary expenses which have attended the contest. I have therefore authorized the colonel

in command there, as soon as he shall deem it expedient, to declare that hostilities against the Indians have ceased, and that they will not be renewed, unless provoked and rendered indispensable by new outrages on their part; but that neither citizens nor troops are to be restrained from any necessary and proper acts of self-defence against any attempts to molest them. He is instructed to open communications with those yet remaining, and endeavor, by all peaceable means, to persuade them to consult their true interests by joining their brethren at the west. And directions have been given for establishing a cordon, or line of protection for the inhabitants, by the necessary number of troops.

But, to render this system of protection effectual, it is essential that settlements of our citizens should be made within the line so established, and that they should be armed, so as to be ready to repel any attack. In order to afford inducements to such settlements, I submit to the consideration of Congress the propriety of allowing a reasonable quantity of land to the head of each family that shall permanently occupy it, and of extending the existing provisions on that subject, so as to permit the issue of rations for the subsistence of the settlers for one year. And, as few of them will probably be provided with arms, it would be expedient to authorize the loan of muskets, and the delivery of a proper quantity of cartridges, or of powder and balls. By such means, it is to be hoped that a hardy population will soon occupy the rich soil of the frontiers of Florida, who will be as capable as willing to defend themselves and their houses, and thus relieve the government from further anxiety or expense for their protection.

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### SPECIAL MESSAGE.

JUNE 20, 1842.

*To the House of Representatives of the United States :—*

A RESOLUTION of the house of representatives, of the 13th instant, has been communicated to me, requesting, "so far as may be compatible with the public interest, a copy of the quintuple treaty between the five powers of Europe, for the suppression of the African slave-trade; and also copies of any remonstrance or protest addressed by Lewis Cass, envoy extraordinary and minister plenipotentiary of the United States at the court of France, and of all communications from the said Lewis Cass to his own government, and from this government to him, relating thereto."

In answer to this request, I have to say, that the treaty mentioned therein has not been officially communicated to the government of the United States; and no authentic copy of it, therefore, can be furnished. In regard to the other papers requested, although it is my hope and expectation that it will be proper and convenient at an early day to lay them before Congress, together with others connected with the same subjects, yet, in my opinion, a communication of them to the house of representatives, at this time, would not be compatible with the public interest.

# SPECIAL MESSAGE.

JUNE 25, 1842.

*To the House of Representatives of the United States :—*

I HAVE this day approved and signed an act, which originated in the house of representatives, entitled, "An act for an apportionment of representatives among the several states according to the sixth census," and have caused the same to be deposited in the office of the secretary of state, accompanied by an exposition of my reasons for giving to it my sanction.

## REASONS FOR APPROVING THE BILL.

In approving this bill, I feel it due to myself to say, as well that my motives for signing it may be rightly understood as that my opinions may not be liable to be misconstrued, or quoted hereafter erroneously as a precedent, that I have not proceeded so much upon a clear and decided opinion of my own respecting the constitutionality or policy of the entire act, as from respect to the declared will of the two houses of Congress.

In yielding my doubts to the matured opinion of Congress, I have followed the advice of the first secretary of state to the first president of the United States, and the example set by that illustrious citizen upon a memorable occasion.

When I was a member of either house of Congress, I acted under the conviction that, to doubt as to the constitutionality of a law, was sufficient to induce me to give my vote against it; but I have not been able to bring myself to believe that a doubtful opinion of the chief magistrate ought to outweigh the solemnly-pronounced opinion of the representatives of the people and of the states.

One of the prominent features of the bill is that which purports to be mandatory on the states to form districts for the choice of representatives to Congress, in single districts. That Congress itself has power, by law, to alter state regulations respecting the manner of holding elections for representatives, is clear; but its power to command the states to make new regulations, or alter their existing regulations, is the question upon which I have felt deep and strong doubts. I have yielded those doubts, however, to the opinion of the legislature, giving effect to their enactment as far as depends on my approbation, and leaving questions which may arise hereafter, if, unhappily, such should arise, to be settled by full consideration of the several provisions of the constitution and the laws, and the authority of each house to judge of the elections, returns, and qualifications of its own members.

Similar considerations have operated with me in regard to the representation of fractions above a moiety of the representative number, and where such moiety exceeds thirty thousand—a question on which a diversity of opinion has existed from the foundation of the government. The provision recommends itself, from its nearer approximation to equality than would be found in the application of a common and simple divisor to the entire population of each state, and corrects, in a great degree, those inequalities which are destined, at the recurrence of each succeeding census, so greatly to augment.

In approving the bill, I flatter myself that a disposition will be perceived on my part to concede to the opinions of Congress in a matter which may conduce to the good of the country and the stability of its institutions, upon which my own opinion is not clear and decided. But it seemed to me due to the respectability of opinion against the constitutionality of the bill, as well as to the real difficulties of the subject, which no one feels more sensibly than I do, that the reasons which have determined me should be left on record.

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## FIRST TARIFF VETO.

JUNE 29, 1842.

*To the House of Representatives of the United States :—*

I RETURN the bill which originated in the house of representatives, entitled, "An act to extend, for a limited period, the present laws for laying and collecting duties on imports," with the following objections :—

It suspends—in other words, abrogates for the time—the provision of the act of 1833, commonly called "the compromise act." The only ground on which this departure from the solemn adjustment of a great and agitating question seems to have been regarded as expedient, is the alleged necessity of establishing, by legislative enactment, rules and regulations for assessing the duties to be levied on imports after the 30th June, according to the home valuation; and yet the bill expressly provides, that "if, before the first of August, there be no further legislation upon the subject, the laws for laying and collecting duties shall be the same as though this act had not been passed." In other words, that the act of 1833, imperfect as it is considered, shall, in that case, continue to be, and to be executed as law, under such rules and regulations as previous statutes had prescribed, or had enabled the executive department to prescribe for that purpose, leaving the supposed chasm in the revenue laws just as it was before.

I am certainly far from being disposed to deny that additional legislation upon this subject is very desirable. On the contrary, the necessity, as well as difficulty, of establishing uniformity in the appraisements to be made, in conformity with the true intention of that act, was brought to the notice of Congress in my message to Congress at the opening of its present session. But, however sensible I may be of the embarrassments to which the executive, in the absence of all aid from the superior wisdom of the legislature, will be liable, in the enforcement of the existing laws, I have not, with the sincerest wish to acquiesce in its expressed will, been able to persuade myself that the exigency of the occasion is so great as to justify me in signing the bill in question, with my present views of its character and effects. The existing laws, as I am advised, are sufficient to authorize and enable the collecting officers, under the directions of the secretary of the treasury, to levy the duties imposed by the act of 1833.

That act was passed under peculiar circumstances, to which it is not necessary that I should do more than barely allude. Whatever may be, in theory, its character, I have always regarded it as importing the highest moral obligation. It has now existed for nine years, unchanged in any essential particular, with as general acquiescence, it is believed, of the whole country, as that country has ever manifested for any of her wisely-

established institutions. It has insured to it the repose which always flows from truly wise and moderate counsels—a repose the more striking, because of the long and angry agitations which preceded it. This salutary law proclaims in express terms the principle which, while it led to the abandonment of a scheme of indirect taxation, founded on a false basis, and pushed to dangerous excess, justifies any enlargement of duties that may be called for by the real exigencies of the public service. It provides “that duties shall be laid for the purpose of raising such revenue as may be necessary to an economical administration of the government.” It is, therefore, in the power of Congress to lay duties as high as its discretion may dictate, for the necessary uses of the government, without infringing upon the objects of the act of 1833. I do not doubt that the exigencies of the government do require an increase of the tariff of duties above twenty per cent., and I as little doubt that Congress may, above as well as below that rate, so discriminate as to give incidental protection to manufacturing industry—thus to make the burdens, which it is compelled to impose upon the people for the purposes of government, productive of a double benefit. This, most of the reasonable opponents of protective duties seem willing to concede, and if we may judge from the manifestations of public opinion in all quarters, this is all that the manufacturing interests really require. I am happy in the persuasion, that this double object can be most easily and effectually accomplished at the present juncture, without any departure from the spirit and principle of the statute in question. The manufacturing classes have now an opportunity, which may never occur again, of permanently identifying their interests with those of the whole country, and making them, in the highest sense of the term, a national concern. The moment is propitious to the interests of the whole country, in the introduction of harmony among all its parts and all its several interests. The same rate of imposts, and no more, as will most surely re-establish the public credit, will secure to the manufacturer all the protection he ought to desire, with every prospect of permanence and stability which the hearty acquiescence of the whole country, on a reasonable system, can hold out to him.

But of the universal acquiescence, and the harmony and confidence, and the many other benefits that will certainly result from it, I regard the suspension of the law for distributing the proceeds of the sales of the public lands as an indispensable condition. This measure is, in my judgment, called for by a large number, if not a great majority, of the people of the United States, by the state of public credit and finances, by the critical posture of our various foreign relations, and above all, by that most sacred of all duties, public faith. The act of September last, which provides for the distribution, couples it inseparably with the condition that it shall cease—1st, in case of war; 2d, as soon and so long as the rate of duties shall, for any reason whatever, be raised above twenty per cent. Nothing can be more clear, express, or imperative, than this language. It is in vain to allege that a deficit in the treasury was known to exist, and means taken to supply it by loan when the act was passed. It is true that a loan was authorized at the same session during which the distribution law was passed, but the most sanguine of the friends of the two measures entertained no doubt but that the loan would be eagerly sought after and taken up by capitalists, and speedily reimbursed by a country destined, as they hoped, soon to enjoy an overflowing prosperity. The very terms of the loan, making it redeemable in *three years*, demonstrate this beyond all cavil. Who, at the time,



foresaw or imagined the possibility of the present real state of things, when a nation that has paid off her whole debt since the last peace, while all the other great powers have been increasing theirs, and whose resources, already so great, are yet but in the infancy of their development, should be compelled to haggle in the money-market for a paltry sum, not equal to one year's revenue, upon her economical system? If the distribution law is to be indefinitely suspended, according, not only to its own terms, but by universal consent, in case of war, wherein are the actual exigencies of the country, or the moral obligation to provide for them, less under present circumstances than they could be, were we actually involved in war? It appears to me to be the indispensable duty of all concerned in the administration of public affairs, to see that a state of things so humiliating, and so perilous, should not last a moment longer than is absolutely unavoidable. Much less excusable should we be in parting with any portion of our available means, at least until the demands of the treasury are fully supplied. But, besides the urgency of such considerations, the fact is undeniable, that the distribution act could not have become a law without the guarantee in the proviso of the act itself.

This connexion, thus meant to be inseparable, is severed by the bill presented to me. The bill violates the principle of the acts of 1833, and September, 1841, by suspending the first, and rendering, for a time, the last inoperative. Duties, above 20 per cent., are proposed to be levied, and yet the *proviso* in the distribution act is disregarded; the proceeds of the sales are to be distributed on the first of August, so that while the duties proposed to be enacted exceed 20 per cent., no suspension of the distribution to the states is permitted to take place. To abandon the principle for a month, is to open the way for its total abandonment. If such is not meant, why postpone at all? Why not let the distribution take place on the 1st of July, if the law so directs?—which, however, is regarded as questionable. But why not have limited the provision to that effect? Is it for the accommodation of the treasury? I see no reason to believe that the treasury will be in a better condition to meet the payment on the 1st of August than on the 1st of July.

The bill assumes that a distribution of the proceeds of the public lands is, by existing laws, to be made on the first day of July, 1842, notwithstanding there has been an imposition of duties on imports exceeding 20 per cent. up to that day; and directs it to be made on the 1st of August next. It seems to me very clear that this conclusion is equally erroneous and dangerous, as it would divert from the treasury a fund sacredly pledged for the general purposes of the government, in the event of a rate of duty above 20 per cent., being found necessary for an economical administration of the government.

The bill under consideration is designed only as a temporary measure; and thus a temporary measure, passed merely for the convenience of Congress, is made to affect the vital principle of an important act. If the proviso of the act of September, 1841, can be suspended for the whole period of a temporary law, why not for the whole period of a permanent law? In fact, a doubt may be well entertained, according to strict legal rules, whether the condition having been thus expressly suspended by this bill, and rendered inapplicable to a case where it would otherwise have clearly applied, will not be considered as ever after satisfied and gone. Without expressing any decided opinion on this point, I see enough in it to justify me in adhering to the law as it stands, in preference to subjecting a condi-

tion so vitally affecting the peace of the country, and so solemnly enacted at a momentous crisis, and so steadfastly adhered to ever since, and so replete, if adhered to, with good to every interest of the country, to doubtful or captious interpretation.

In discharging the high duty thus imposed on me by the constitution, I repeat to the house my entire willingness to co-operate in all financial measures of a constitutional character, which, in its wisdom, it may judge necessary and proper to re-establish the credit of the government. I believe that the proceeds of the sales of the public lands being restored to the treasury, or more properly speaking, the *proviso* of the act of September, 1841, being permitted to remain in full force, a tariff of duties may easily be adjusted, which, while it will yield a revenue sufficient to maintain the government in vigor by restoring its credit, will afford ample protection, and infuse a new life into all our manufacturing establishments. The condition of the country calls for such legislation, and it will afford me the most sincere pleasure to co-operate in it.

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### SPECIAL MESSAGE.

JULY 2, 1842.

*To the Senate and House of Representatives of the United States :—*

I SUBMIT to Congress the printed copy of certain resolutions of the legislature of the state of Louisiana, accompanied by a letter from the senators and representatives from that state, and also a letter from the solicitor of the treasury and commissioner from the general land-office, requesting and recommending that a suit in ejectment may be authorized and directed, in order to test the validity of a grant made on the 24th of June, 1797, by the baron de Carondelet, governor-general of Louisiana, to the marquis de Maison Rouge.

The magnitude of this claim renders it highly desirable that a speedy termination should be put to all contest concerning it, and I therefore recommend that Congress shall authorize such proceedings as may be best calculated to bring it to a close.

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### SPECIAL MESSAGE.

JULY 20, 1842.

*To the House of Representatives of the United States :—*

IN further compliance with the resolution of the house of representatives of the 29th of April last, I transmit herewith a supplemental and additional report of William M. Steuart, one of the commissioners appointed to investigate the affairs of the New York customhouse, which has recently been received, and which, like the reports of the commissioners heretofore communicated to the house, I have not had an opportunity to examine. For the reason stated in my message to the house of the 30th of April last, I shall abstain, as I have done hitherto, from recommending any specific measures which might be suggested by an examination of the various reports on the subject.

## SPECIAL MESSAGE.

JULY 22, 1842.

*To the House of Representatives of the United States :—*

IN answer to the resolution of the house of representatives of the 13th instant, upon the subject of the relations between the United States and the republic of Texas, I transmit a report from the secretary of state. My last communication to Congress relating to that republic was my message of the 30th of March last, suggesting the expediency of legislative provisions for improving the trade and facilitating the intercourse by port between the two governments. Since that period, nothing has transpired which it would be compatible with the public interest to communicate to the house of representatives at this time.

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## SPECIAL MESSAGE.

AUGUST 8, 1842.

*To the Senate of the United States :—*

IN the communication made to the senate on the 13th of June, in answer to its resolution of the 2d of March last, there appears to have been, among other papers, sundry letters, addressed to the department of state by certain claimants or their agents, containing reflections upon the character of the umpire appointed by his Prussian majesty, pursuant to the convention between the United States and the Mexican republic, of the 11th of April, 1839. As the call was for all the communications which had been addressed to the department of state by any of the claimants under the convention, relative to the proceedings and progress of the mixed commission, the copies were prepared and submitted without attracting the attention either of the head of the department or myself. If those letters had been noticed, their transmission to the senate, if transmitted at all, would have been accompanied by a disclaimer, on the part of the executive, of any intention to approve such charges. The executive has no complaint to make against the conduct or decision of the highly-respectable person appointed by his sovereign umpire between the American and Mexican commissioners.

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## SECOND TARIFF VETO.

AUGUST 9, 1842.

*To the House of Representatives of the United States :—*

IT is with unfeigned regret that I find myself under the necessity of returning to the house of representatives, with my objections, a bill, entitled, "An act to provide revenue from imports, and to change and modify existing laws imposing duties on imports, and for other purposes." Nothing can be more painful to any individual called upon to perform the

chief executive duties under our limited constitution, than to be constrained to withhold his assent from an important measure adopted by the legislature; yet he would neither fulfil the high purposes of his station, nor consult the true interests or the solemn will of the people, the common constituents of both branches of the government, by yielding his well-considered, most deeply-fixed, and repeatedly-declared opinions, on matters of great public concernment, to those of a co-ordinate department, without requesting that department seriously to re-examine the subject of their difference. The exercise of some independence of judgment, in regard to all acts of legislation, is plainly implied in the responsibility of approving them. At all times a duty, it becomes a peculiarly solemn and imperative one, when the subjects passed upon by Congress happen to involve, as in the present instance, the most momentous issues, to affect variously the various parts of a great country, and to have given rise in all quarters to such a conflict of opinion as to render it impossible to conjecture, with any certainty, on which side the majority really is. Surely, if the pause for reflection, intended by the wise authors of the constitution, by referring the subject back to Congress for reconsideration, be ever expedient and necessary, it is precisely such a case as the present.

On the subject of distributing the proceeds of the sales of the public lands, in the existing state of the finances, it has been my duty to make known my settled convictions on various occasions during the present session of Congress. At the opening of the extra session, upward of twelve months ago, sharing fully in the general hope of returning prosperity and credit, I recommended such a distribution; but that recommendation was even then expressly coupled with the condition that the duties on imports should not exceed the rate of twenty per cent., provided by the compromise act of 1833. These hopes were not a little encouraged, and these views strengthened, by the report of Mr. Ewing, then secretary of the treasury, which was shortly thereafter laid before Congress, in which he recommended the imposition of duties at the rate of twenty per cent., *ad valorem*, on all free articles, with specified exceptions, and stated, "if this measure be adopted, there will be received in the treasury, from customs, in the last quarter of the present year, 1841, five millions, three hundred thousand dollars; in all of the year 1842, about twenty-two millions, five hundred thousand dollars; and in the year 1843, after the final reduction under the act of March 2, 1833, about twenty millions of dollars;" and adds, "it is believed that, after the heavy expenditures required by the public service, in the present year, shall have been provided for, the revenue which will accrue from that or nearly a proximate rate of duty, will be sufficient to defray the expenses of the government, and leave a surplus, to be annually applied to the gradual payment of the national debt, leaving the proceeds of the public lands to be disposed of as Congress shall see fit." I was most happy that Congress, at the time, seemed entirely to concur in the recommendations of the executive, and anticipating the correctness of the secretary's conclusions, and in view of an actual surplus, passed the distribution act of the 4th September last, wisely limiting its operation by two conditions, having reference, both of them, to a possible state of the treasury different from that which had been anticipated by the secretary of the treasury, and to the paramount necessities of the public service. It ordained that "if, at any time during the existence of that act, there should be an imposition of duties on imports inconsistent with the provision of the act of the 2d of March, 1833, and beyond the rate of duties fixed

by that act, to wit, twenty per cent. on the value of such imports, or any of them, then the distribution should be suspended, and should continue so suspended, until that cause should be removed." By a previous clause, it had, in a like spirit of wise and cautious patriotism, provided for another case, in which all are even now agreed that the proceeds of the sales of the public lands should be used for the defence of the country. It was enacted that the act should continue and be in force until otherwise provided by law, unless the United States should become involved in war with any foreign power; in which event, from the commencement of hostilities, the act should be suspended until the cessation of hostilities.

Not long after the opening of the present session of Congress, the unprecedented and extraordinary difficulties that have recently embarrassed the finances of the country, began to assume a serious aspect. It soon became quite evident that the hopes under which the act of the 4th of September was passed, and which alone justified it in the eyes either of Congress who imposed, or of the executive who approved the first of the two conditions just recited, were not destined to be fulfilled. Under the pressure, therefore, of the embarrassments which had thus unexpectedly arisen, it appeared to me that the course to be pursued had been clearly marked out for the government by that act itself. The condition contemplated in it, as requiring a suspension of its operation, had occurred. It became necessary, in the opinions of all, to raise the rate of duties upon imports above twenty per cent.; and with a view both to provide available means to meet present exigencies, and to lay the foundation for a successful negotiation of a loan, I felt it incumbent on me to urge upon Congress to raise the duties accordingly, imposing them in a spirit of a wise discrimination, for the twofold object of affording ample revenue for the government, and incidental protection to the various branches of domestic industry. I also pressed, in the most emphatic, but respectful language I could employ, the necessity of making the land-sales available to the treasury, as the basis of public credit. I did not think that I could stand excused, much less justified, before the people of the United States, nor could I reconcile it to myself to recommend the imposition of additional taxes upon them, without, at the same time, urging the employment of all the legitimate means of the government toward satisfying its wants. These opinions were communicated in advance of any definitive action of Congress on the subject either of the tariff or land sales, under a high sense of public duty, and in compliance with an express injunction of the constitution; so that, if a collision, extremely to be deprecated as such collisions always are, has seemingly arisen between the executive and legislative branches of the government, it has assuredly not been owing to any capricious interference, or to any want of a plain and frank declaration of opinion on the part of the former. Congress differed in its views from those of the executive, as it had undoubtedly a right to do, and passed a bill virtually, for a time, repealing the proviso of the act of the 4th of September, 1841. The bill was returned to the house in which it originated, with my objections to its becoming a law. With a view to prevent, if possible, an open disagreement of opinion on a point so important, I took occasion to declare, that I regarded it as an indispensable prerequisite to an increase of duties above twenty per cent., that the act of the 4th of September should remain unrepealed in its provisions. My reasons for that opinion were elaborately set forth in the message which accompanied

the return of the bill, which no constitutional majority appears to have been found for passing into a law.

The bill which is now before me proposes, in its twenty-seventh section, the total repeal of one of the provisos in the act of September, and, while it increases the duties above twenty per cent., directs an unconditional distribution of the land proceeds. I am therefore subjected a second time, in the period of a few days, to the necessity of either giving my approval to a measure which, in my deliberate judgment, is in conflict with great public interests, or of returning it to the house in which it originated, with my objections. With all my anxiety for the passage of a law which would replenish an exhausted treasury, and furnish a sound and healthy encouragement to mechanical industry, I can not consent to do so at the sacrifice of the peace and harmony of the country, and the clearest convictions of public duty.

For some of the reasons which have brought me to this conclusion, I refer to my previous messages to Congress, and briefly subjoin the following:—

1. The bill unites two subjects, which, so far from having any affinity to one another, are, wholly incongruous in their character. It is both a revenue and an appropriation bill. It thus imposes on the executive, in the first place, the necessity of either approving that which he would reject, or rejecting that which he might otherwise approve. This is a species of constraint to which the judgment of the executive ought not, in my opinion, to be subjected. But that is not my only objection to the act, in its present form. The union of subjects wholly dissimilar in their character, in the same bill, if it grew into a practice, would not fail to lead to consequences destructive of all wise and conscientious legislation. Various measures, each agreeable only to a small minority, might, by being thus united (and the more, the greater chance of success), lead to the passing of laws, of which no single provision could, if standing alone, command a majority in its favor.

2. While the treasury is in a state of extreme embarrassment, requiring every dollar which it can make available, and when the government has not only to lay additional taxes, but to borrow money to meet pressing demands, the bill proposes to give away a fruitful source of revenue, which is the same thing as raising money by loan and taxation, not to meet the wants of the government, but for distribution—a proceeding which I must regard as highly impolitic, if not unconstitutional.

A brief review of the present condition of the public finances will serve to illustrate the true condition of the treasury, and exhibit its actual necessities.

On the 5th of August (Friday last) there was in the treasury, in round numbers	\$2,150,000
Necessary to be retained to meet trust funds	\$360,000
Interest on the public debt, due in October	80,000
To redeem treasury-notes and pay the interest	100,000
Land distribution, under the act of the 4th September, 1841	640,000
	<hr/> \$1,180,000

Leaving an available amount of \$970,000

The navy department had drawn requisitions on the treasury, at that

time, to meet debts actually due, among which are bills under protest for one million four hundred and fourteen thousand dollars, thus leaving an actual deficit of four hundred and forty thousand dollars.

There was on hand about one hundred thousand dollars of unissued treasury-notes, assisted by the accruing revenue, amounting to about one hundred and fifty thousand dollars per week, exclusive of receipts on unpaid bonds, to meet requisitions for the army, and the demands of the civil list.

The withdrawal of the sum of six hundred and forty thousand dollars, to be distributed among the states so soon as the statements and accounts can be made up and completed, by virtue of the provisions of the act of the 4th of September last, of which nearly a moiety goes to a few states, and only about three hundred and eighty-three thousand dollars is to be divided among all the states, while it adds materially to the embarrassments of the treasury, affords to the states no decided relief.

No immediate relief from this state of things is anticipated, unless, what would most deeply be deplored, the government could be reconciled to the negotiation of loans already authorized by law at a rate of discount ruinous in itself, and calculated most seriously to affect the public credit. So great is the depression of trade, that even if the present bill were to become a law, and prove to be productive, some time would elapse before sufficient supplies would flow into the treasury, while, in the meantime, its embarrassments would be continually augmented by the semi-annual distribution of the land proceeds.

Indeed, there is but too much ground to apprehend, that even if this bill were permitted to become a law, alienating as it does the proceeds of the land sales, an actual deficit in the treasury would occur, which would more than probably involve the necessity of a resort to direct taxation.

Let it be also remarked, that five millions five hundred thousand dollars of the public debt becomes redeemable in about two years and a half, which, at any sacrifice, must be met, while the treasury is always liable to demands for the payment of outstanding treasury-notes. Such is the gloomy picture which our financial department now presents, and which calls for the exercise of a rigid economy in the public expenditures, and the rendering available of all the means within the control of the government. I most respectfully submit whether this is a time to give away the proceeds of the land sales, when the public lands constitute a fund which, of all others, may be made most useful in sustaining the public credit. Can the government be generous and munificent to others when every dollar it can command is necessary to supply its own wants? And if Congress would not hesitate to suffer the provision of the act of the 4th of September last to remain unrepealed in case the country was involved in war, is not the necessity for such a course now just as imperative as it would be then?

3. A third object remains to be urged, which would be sufficient in itself to induce me to return the bill to the house, with my objections. By uniting two subjects so incongruous as tariff and distribution, it inevitably makes the fate of the one dependent upon that of the other in future contests of party. Can anything be more fatal to the merchant or manufacturer than such an alliance? What they most of all require is a system of moderate duties, so arranged as to withdraw the tariff question, as far as possible, completely from the arena of political contention. Their chief want is permanency and stability. Such an increase of the tariff I believe

to be necessary, in order to meet the economical expenditures of government. Such an increase, made in the spirit of moderation and judicious discrimination, would, I have no doubt, be entirely satisfactory to the great majority of the American people. In the way of accomplishing a measure so salutary, and so imperatively demanded by every public interest, the legislative department will meet with a cordial co-operation on the part of the executive. This is all that the manufacturer can desire, and it would be a burden readily borne by the people. But I can not too earnestly repeat that, in order to be beneficial, it must be permanent; and in order to be permanent, it must command general acquiescence. But can such permanency be justly hoped for if the tariff question be coupled with that of distribution, as to which a serious conflict of opinion exists among the states and the people, and which enlists in its support a bare majority, if, indeed, there be a majority, of the two houses of Congress? What permanency or stability can attach to a measure which, warring upon itself, gives away a fruitful source of revenue at the moment it proposes a large increase of taxes on the people? Is the manufacturer prepared to stake himself and his interests upon such an issue?

I know that it is urged, but most erroneously, in my opinion, that instability is just as apt to be produced by retaining the public lands as a source of revenue as from any other cause; and this is ascribed to a constant fluctuation, as it is said, in the amount of sales. If there were anything in this objection, it equally applies to every imposition of duties on imports. The amount of revenue annually derived from duties is constantly liable to change. The regulations of foreign governments, the varying productiveness of other countries, periods of excitement in trade, and a great variety of other circumstances, are constantly arising to affect the state of commerce, foreign and domestic, and, of consequence, the revenue levied upon it. The sales of the public domain, in ordinary times, are regulated by fixed laws, which have their basis in a demand increasing only in the ratio of the increase of population. In recurring to the statistics connected with this subject, it will be perceived that, for a period of ten years preceding 1834, the average amount of land sales did not exceed two millions of dollars. For the increase which took place in 1834, 1835, and 1836, we are to look to that peculiar condition of the country which grew out of one of the most extraordinary excitements in business and speculation that has ever occurred in the history of commerce and currency. It was the fruit of a wild spirit of adventure, engendered by a vicious system of credits, under the evils of which the country is still laboring, and which it is fondly hoped will not soon recur. Considering the vast amount of investments made by private individuals in the public lands during those three years, and which equalled forty-three millions of dollars, equal to more than twenty years' purchase, taking the average of sales of the ten preceding years, it may be safely asserted that the result of the public land sales can hold out nothing to alarm the manufacturer with the idea of instability in the revenues, and, consequently in the course of the government.

Under what appears to me, therefore, the soundest considerations of public policy, and in view of the interests of every branch of domestic industry, I return you the bill, with these my objections to its becoming a law.

I take occasion emphatically to repeat my anxious desire to co-operate with Congress in the passing of a law which, while it shall assist in supplying the wants of the treasury and re-establish public credit, shall afford



to the manufacturing interests of the country all the incidental protection they require.

After all, the effect of what I do is substantially to call on Congress to reconsider the subject. If, on such reconsideration, a majority of two thirds of both houses should be in favor of this measure, it will become a law, notwithstanding my objections. In a case of clear and manifest error on the part of the president, the presumption of the constitution is, that such majorities will be found. Should they be so found in this case, having conscientiously discharged my own duty, I shall cheerfully acquiesce in the result.

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## WASHINGTON TREATY MESSAGE.

AUGUST 11, 1842.

*To the Senate of the United States :—*

I HAVE the satisfaction to communicate to the senate the results of the negotiations recently had in this city with the British minister, special and extraordinary.

These results comprise—

1. A treaty to settle and define the boundaries between the territories of the United States and the possessions of her Britannic majesty in North America, for the suppression of the African slave-trade, and the surrender of criminals, fugitives from justice, in certain cases.
2. A correspondence on the subject of the interference of the colonial authorities of the British West Indies with American merchant-vessels driven by stress of weather, or carried by violence, into the ports of those colonies.
3. A correspondence upon the subject of the attack and destruction of the steamboat *Caroline*.
4. A correspondence on the subject of impressment.

If this treaty shall receive the approbation of the senate, it will terminate a difference respecting boundary which has long subsisted between the two governments—has been the subject of several ineffectual attempts at settlement, and has sometimes led to great irritation, not without danger of disturbing the existing peace. Both the United States and the states more immediately concerned, have entertained no doubt of the validity of the American title to all the territory which has been in dispute ; but that title was controverted, and the government of the United States had agreed to make the dispute the subject of arbitration. One arbitration had been actually had, but had failed to settle the controversy ; and it was found, at the commencement of last year, that a correspondence had been in progress between the governments for a joint commission, with an ultimate reference to an umpire or arbitrator, with authority to make a final decision. That correspondence, however, had been retarded by various occurrences, and had come to no definite result when the special mission of Lord Ashburton was announced. This movement on the part of England afforded, in the judgment of the executive, a favorable opportunity for making an attempt to settle this long-existing controversy by some agreement or treaty without further reference to arbitration.

It seemed entirely proper that, if this purpose were entertained, consul-

tation should be had with the authorities of the states of Maine and Massachusetts. Letters, therefore, of which copies are herewith communicated, were addressed to the governors of those states, suggesting that commissioners should be appointed by each of them respectively, to repair to this city and confer with the authorities of this government on a line by agreement or compromise, with its equivalents and compensations. This suggestion was met by both states in a spirit of candor and patriotism, and promptly complied with. Four commissioners on the part of Maine, and three on the part of Massachusetts, all persons of distinction and high character, were duly appointed and commissioned, and lost no time in presenting themselves at the seat of the government of the United States. These commissioners have been in correspondence with this government during the period of the discussions; have enjoyed its confidence and freest communications; have aided the general object with their counsel and advice; and, in the end, have unanimously signified their assent to the line proposed in the treaty.

Ordinarily, it would be no easy task to reconcile and bring together such a variety of interests in a matter in itself difficult and perplexed; but the efforts of the government, in attempting to accomplish this desirable object, have been seconded and sustained by a spirit of accommodation and conciliation on the part of the states concerned, to which much of the success of these efforts is to be ascribed.

Connected with the settlement of the line of the northeastern boundary, so far as it respects the states of Maine and Massachusetts, is the continuation of that line along the highlands to the northwesternmost head of Connecticut river. Which of the sources of that stream is entitled to this character, has been matter of controversy, and of some interest to the state of New Hampshire. The king of the Netherlands decided the main branch to be the northwesternmost head of the Connecticut. This did not satisfy the claim of New Hampshire. The line agreed to in the present treaty follows the highlands to the head of Hall's stream, and thence down that river, embracing the whole claim of New Hampshire, and establishing her title to one hundred thousand acres of territory more than she would have had by the decision of the king of the Netherlands.

By the treaty of 1783, the line is to proceed down the Connecticut river to the forty-fifth degree of north latitude, and thence west by that parallel till it strikes the St. Lawrence. Recent examinations having ascertained that the line heretofore received as the true line of latitude between those points was erroneous, and that the correction of this error would not only leave, on the British side, a considerable tract of territory heretofore supposed to belong to the states of Vermont and New York, but also Rouse's Point, the site of a military work of the United States, it has been regarded as an object of importance, not only to establish the rights and jurisdiction of those states up to the line which they have been considered to extend, but also to comprehend Rouse's Point within the territory of the United States. The relinquishment by the British government of all the territory south of the line heretofore considered to be the true line, has been obtained, and the consideration for this relinquishment is to enure, by the provisions of the treaty, to the states of Maine and Massachusetts.

The line of boundary, then, from the source of the St. Croix to the St. Lawrence, so far as Maine and Massachusetts are concerned, is fixed by their own consent, and for considerations satisfactory to them; the chief of these considerations being the privilege of transporting the lumber and

agricultural products grown and raised in Maine on the waters of the St. John's and its tributaries down that river to the ocean, free from imposition or disability. The importance of this privilege, perpetual in its terms, to a country covered at present by pine-forests of great value, and much of it capable hereafter of agricultural improvement, is not a matter upon which the opinion of intelligent men is likely to be divided.

So far as New Hampshire is concerned, the treaty secures all that she requires, and New York and Vermont are quieted to the extent of their claim and occupation. The difference which would be made in the northern boundary of these two states, by correcting the parallel of latitude, may be seen in Tanner's maps (1836), new atlas, numbers six and nine.

From the intersection of the forty-fifth degree of north latitude with the St. Lawrence, and along that river and the lakes to the water communication between Lake Huron and Lake Superior, the line was definitively agreed on by the commissioners of the two governments, under the sixth article of the treaty of Ghent. But between this last-mentioned point and the lake of the Woods, the commissioners acting under the seventh article of that treaty found several matters of disagreement, and therefore made no joint report to their respective governments. The first of these was Sugar island, or St. George's island, lying in St. Mary's river, or the water communication between Lakes Huron and Superior. By the present treaty, this island is embraced in the territories of the United States. Both from soil and position, it is regarded as of much value.

Another matter of difference was the manner of extending the line from the point at which the commissioners arrived, north of the Isle Royale, in Lake Superior, to the lake of the Woods. The British commissioner insisted on proceeding to the Fond du Lac, at the southwest angle of the lake, and thence by the river St. Louis to the Rainy lake. The American commissioner supposed the true course to be to proceed by way to the Dog river. Attempts were made to compromise this difference, but without success. The details of these proceedings are found at length in the printed separate reports of the commissioners.

From the imperfect knowledge of this remote country, at the date of the treaty of peace, some of the descriptions in that treaty do not harmonize with its natural features as now ascertained. "Long lake" is nowhere to be found under that name. There is reason for supposing, however, that the sheet of water intended by that name is the estuary at the mouth of Pigeon river. The present treaty adopts, therefore, that estuary and river, and afterward pursues the usual route across the height of land by the various portages and small lakes, till the line reaches Rainy lake; from which the commissioners agreed on the extension of it to its termination, in the northwest angle of the lake of the Woods. The region of country on and near the shore of the lake, between Pigeon river on the north, and Fond du Lac and the river St. Louis on the south and west, considered valuable as a mineral region, is thus included within the United States. It embraces a territory of four millions of acres, northward of the claim set up by the British commissioners under the treaty of Ghent. From the height of land at the head of Pigeon river, westerly to the Rainy lake, the country is understood to be of little value, being described by surveyors and marked on the map as a region of rock and water.

From the northwest angle of the lake of the Woods, which is found to be in latitude forty-five degrees, twenty-three minutes, fifty-five seconds north,

existing treaties require the line to be run due south to its intersection with the forty-fifth parallel, and thence along that parallel to the Rocky mountains.

After sundry informal communications with the British minister upon the subject of the claims of the two countries to the territory west of the Rocky mountains, so little probability was found to exist of coming to any agreement on that subject at present, that it was not thought expedient to make it one of the subjects of formal negotiation to be entered upon between this government and the British minister, as part of his duties under his special mission.

By the treaty of 1783, the line of division along the rivers and lakes from the place where the forty-fifth parallel of north latitude strikes the St. Lawrence, to the outlet of Lake Superior, is invariably to be drawn through the middle of such waters, and not through the middle of their main channels. Such a line, if extended according to the literal terms of the treaty, would, it is obvious, occasionally intersect islands. The manner in which the commissioners of the two governments dealt with this subject, may be seen in their reports. But where the line, thus following the middle of the river, or water-course, did not meet with islands, yet it was liable sometimes to leave the only practicable navigable channel altogether on one side. The treaty made no provision for the common use of the waters by the citizens and subjects of both countries.

It has happened, therefore, in a few instances, that the use of the river, in particular places, would be greatly diminished to one party or the other, if, in fact, there was not a choice in the use of channels and passages.

Thus at the Long Sault, in the St. Lawrence, a dangerous passage, practicable only for boats, the only safe run is between the Long Sault islands and Barnhart's island (all which belong to the United States) on one side, and the American shore on the other. On the other hand, by far the best passage for vessels for any depth of water, from Lake Erie into the Detroit river, is between Bois Blanc, a British island, and the Canadian shore. So, again, there are several channels or passages, of different degrees of facility and usefulness, between the several islands in the river St. Clair, at or near its entry to the lake of that name. In these three cases, the treaty provides that all the several channels and passages shall be free and open to the use of the citizens and subjects of both parties.

The treaty obligations subsisting between the two countries for the suppression of the African slave-trade, and the complaints made to this government within the last three or four years, many of them but too well founded, of the visitation, seizure, and detention of American vessels on that coast by British cruisers, could not but form a delicate and highly-important part of the negotiations which have now been held.

The early and prominent part which the government of the United States has taken, for the abolition of this unlawful and inhuman traffic, is well known. By the tenth article of the treaty of Ghent, it is declared that the traffic in slaves is irreconcilable with the principles of humanity and justice, and that both his majesty and the United States are desirous of continuing their efforts to promote its entire abolition; and it is thereby agreed that both the contracting parties shall use their best endeavors to accomplish so desirable an object. The government of the United States has, by law, declared the African slave-trade, piracy; and at its suggestion, other na-

tions have made similar enactments. It has not been wanting in honest and zealous efforts, made in conformity with the wishes of the whole country, to accomplish the entire abolition of the traffic in slaves upon the African coast; but these efforts, and those of other countries, directed to the same end, have proved to a considerable degree, unsuccessful. Treaties are known to have been entered into, some years ago, between England and France, by which the former power, which usually maintains a large naval force on the African station, was authorized to seize, and bring in for adjudication; vessels found engaged in the slave-trade under the French flag.

It is known, that in December last, a treaty was signed in London, by the representatives of England, France, Russia, Prussia, and Austria, having, for its professed object, a strong and united effort of the five powers to put an end to the traffic. This treaty was not officially communicated to the government of the United States, but its provisions and stipulations are supposed to be accurately known to the public. It is understood to be not yet ratified on the part of France.

No application or request has been made to this government, to become party to this treaty; but the course it might take in regard to it has excited no small degree of attention and discussion in Europe, as the principle upon which it is founded, and the stipulations which it contains, have caused warm animadversions, and great political excitement.

In my message at the commencement of the present session of Congress, I endeavored to state the principles which this government supports, respecting the right of search, and the immunity of flags. Desirous of maintaining those principles fully, at the same time that existing obligations should be fulfilled, I have thought it most consistent with the honor and dignity of the country, that it should execute its own laws, and perform its own obligations, by its own means and its own power.

The examination or visitation of the merchant-vessels of one nation by the cruisers of another, for any other purpose except those known and acknowledged by the law of nations, under whatever restraints or regulations it may take place, may lead to dangerous results. It is far better, by other means, to supersede any supposed necessity, or any motive, for such examination or visit. Interference with a merchant-vessel by an armed cruiser, is always a delicate proceeding, apt to touch the point of national honor, as well as to affect the interests of individuals. It has been thought, therefore, expedient, not only in accordance with the stipulations of the treaty of Ghent, but at the same time as removing all pretext on the part of others for violating the immunities of the American flag, upon the seas, as they exist and are defined by the laws of nations, to enter into the articles now submitted to the senate.

The treaty which I now submit to you, proposes no alteration, mitigation, or modification of the rules of the laws of nations. It provides simply that each of the two governments shall maintain on the coast of Africa a sufficient squadron to enforce separately and respectively, the laws, rights, and obligations of the two countries, for the suppression of the slave-trade.

Another consideration of great importance has recommended this mode of fulfilling the duties and obligations of the country. Our commerce along the western coast of Africa is extensive, and supposed to be increasing. There is reason to think, that in many cases, those engaged in it have met with interruptions and annoyances, caused by the jealousy and

instigation of rivals engaged in the same trade. Many complaints on this subject have reached the government. A respectable naval force on the coast, is the natural resort and security against further occurrences of this kind.

The surrender to justice of persons who, having committed high crimes, seek asylum in the territories of a neighboring nation, would seem to be an act due to the cause of general justice, and properly belonging to the present state of civilization and intercourse. The British provinces of North America are separated from the states of the Union by a line of several thousand miles, and along portions of this line the amount of population on either side is quite considerable, while the passage of the boundary is always easy.

Offenders against the law on the one side, transfer themselves to the other. Sometimes, with great difficulty, they are brought to justice, but very often they wholly escape. A consciousness of immunity, from the power of avoiding justice in this way, instigates the unprincipled and reckless to the commission of offences, and the peace and the good neighborhood of the border are consequently often disturbed.

In the case of offenders fleeing from Canada into the United States, the governors of states are often applied to for their surrender, and questions of a very embarrassing nature arise from these applications. It has been thought highly important, therefore, to provide for the whole case by a proper treaty stipulation. The article on the subject, in the proposed treaty, is carefully confined to such offences as all mankind agree to regard as heinous, and destructive to the security of life and property. In this careful and specific enumeration of crimes, the object has been to exclude all political offences, or criminal charges, arising from wars, or intestine commotions. Treason, misprision of treason, libels, desertion from military service, and other offences of similar character, are excluded.

And, lest some unforeseen inconvenience or unexpected abuses should arise from the stipulation, rendering its continuance, in the opinion of one or both of the parties, not longer desirable, it is left in the power of either to put an end to it at will. The destruction of the steamboat *Caroline*, at Schlosser, four or five years ago, occasioned no small degree of excitement at the time, and became the subject of correspondence between the two governments. That correspondence having been suspended for a considerable period, was renewed in the spring of last year, but no satisfactory result having been arrived at, it was thought proper, though the occurrence had ceased to be fresh and recent, not to omit attention to it on the present occasion. It has only been so far discussed in the correspondence now submitted, as it was accomplished by a violation of the territory of the United States. The letter of the British minister, while he attempts to justify that violation upon the ground of a pressing and overruling necessity, admitting, nevertheless, that even if justifiable, an apology was due for it, and accompanying this acknowledgment with assurances of the sacred regard of his government for the inviolability of national territory, has seemed to me sufficient to warrant forbearance from any further remonstrance against what took place, as an aggression on the soil and territory of the country. On the subject of the interference of the British authorities in the West Indies, a confident hope is entertained, that the correspondence which has taken place, showing the grounds taken by this government, and the engagements entered into by the British minister, will

be found such as to satisfy the just expectation of the people of the United States.

The impressment of seamen from merchant-vessels of this country, by British cruisers, although not practised in time of peace, and therefore not at present a productive cause of difference and irritation, has, nevertheless, hitherto been so prominent a topic of controversy, and is so likely to bring on renewed contentions at the first breaking out of a European war, that it has been thought the part of wisdom now to take it into serious and earnest consideration. The letter from the secretary of state to the British minister, explains the grounds which the government has assumed, and the principles which it means to uphold. For the defence of these grounds, and the maintenance of these principles, the most perfect reliance is placed on the intelligence of the American people, and on their firmness and patriotism, in whatever touches the honor of the country, or its great and essential interests.

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## SPECIAL MESSAGE.

AUGUST 23, 1842.

*To the Senate of the United States:—*

A RESOLUTION of the senate, of the 21st of June last, requested the president to communicate to the senate, so far as he might deem it compatible with the public interests, what measures, if any, had been taken to obtain the recognition, by the Mexican government, of such claims of American citizens as were laid before the late joint commission, but were not finally acted on by it, and the satisfaction of such claims as were admitted by said commission; also, whether any facts had come to his knowledge calculated to induce a belief that any such claims had been rejected in consequence of the evidence thereof having been withheld by the Mexican government, its officers, or agents; and any other information which he might deem it expedient to communicate relative to said claims; and another resolution of the 6th instant requested the president, so far as he might deem it compatible with the public service, to communicate to the senate the measures taken to obtain the performance of the stipulations contained in the convention with Mexico, in relation to the awards made by the commissioners and umpire under said convention.

In the present state of the correspondence and of the relations between the two governments on these important subjects, it is not deemed consistent with the public interest to communicate the information requested. The business engages earnest attention, and will be made the subject of a full communication to Congress at the earliest practicable period.

## P R O T E S T .

AUGUST 30, 1842.

*To the House of Representatives of the United States :—*

By the constitution of the United States, it is provided that " every bill which shall have passed the house of representatives and the senate shall, before it become a law, be presented to the president of the United States ; if he approve, he shall sign it ; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large upon the journal, and proceed to reconsider it."

In strict compliance with the positive obligation thus imposed upon me by the constitution, not having been able to bring myself to approve a bill which originated in the house of representatives, entitled, " An act to provide revenue from imports, and for other purposes," I returned the same to the house, with my objections to its becoming a law. These objections, which had entirely satisfied my mind of the great impolicy, if not the unconstitutionality, of the measure, were presented in the most respectful, and even deferential terms. I would not have been so far forgetful of what was due from one department of the government to another as to have intentionally employed, in my official intercourse with the house, any language that could be, in the slightest degree, offensive to those to whom it was addressed. If, in assigning my objections to the bill, I had so far forgotten what was due to the house of representatives, as to impugn its motives in passing the bill, I should owe, not only to that house, but to the country, my most profound apology. Such departure from propriety is, however, not complained of in any proceeding which the house has adopted. It has, on the contrary, been expressly made a subject of remark, and almost of complaint, that the language in which my dissent was couched was studiously guarded and cautious.

Such being the character of the official communication in question, I confess I was wholly unprepared for the course which has been pursued in regard to it. In the exercise of the power to regulate its own proceedings, the house, for the first time, it is believed, in the history of the government, thought proper to refer the message to a select committee of its own body, for the purpose (as my respect for the house would have compelled me to infer) of deliberately weighing the objections urged against the bill by the executive, with a view to its own judgment upon the question of the final adoption or rejection of the measure.

Of the temper and feelings in relation to myself of some of the members selected for the performance of this duty, I have nothing to say. That was a matter entirely within the discretion of the house of representatives. But that committee taking a different view of its duty from that which I should have supposed had led to its creation, instead of confining itself to the objections urged against the bill, availed itself of the occasion formally to arraign the president for others of his acts since his induction into office. In the absence of all proof, and, as I am bound to declare, against all law or precedent in parliamentary proceedings, and, at the same time, in a manner which would be difficult to reconcile with the comity hitherto sacredly observed in the intercourse between independent and co-ordinate departments of the government, it has assailed my whole official conduct, without a shadow of a pretext for such assault ; and, stopping short of im-



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peachment, has charged me, nevertheless, with offences declared to deserve impeachment.

Had the extraordinary report which the committee thus made to the house been permitted to remain without the sanction of the latter, I should not have uttered a regret or complaint upon the subject. But, unaccompanied as it is by any particle of testimony to support the charges it contains, without a deliberate examination, almost without any discussion, the house of representatives has been pleased to adopt it as its own, and thereby to become my accuser before the country and before the world. The high character of such an accuser, the gravity of the charges which have been made, and the judgment pronounced against me by the adoption of the report upon a distinct and separate vote of the house, leave me no alternative but to enter my solemn protest against the proceeding, as unjust to myself as a man, as an invasion of my constitutional powers of chief magistrate of the American people, and as a violation, in my person, of rights secured to every citizen by the laws and the constitution. That constitution has intrusted to the house of representatives the sole power of impeachment. Such impeachment is required to be tried before the most august tribunal known to our institutions.

The senate of the United States, composed of the representatives of the sovereignty of the states, is converted into a hall of justice; and, in order to insure the strictest observance of the rules of evidence and of legal procedure, the chief-justice of the United States, the highest judicial functionary of the land, is required to preside over its deliberations. In the presence of such judicatory, the voice of faction is presumed to be silent, and the sentence of guilt or innocence is pronounced under the most solemn sanctions of religion, of honor, and of law. No such a tribunal does the constitution authorize the house of representatives to carry up its accusations against any chief of the executive department whom it may believe to be guilty of high crimes and misdemeanors. Before that tribunal the accused is confronted with his accusers, and may demand the privilege, which the justice of the common law secures to the humblest citizen, of a full, patient, and impartial inquiry into the facts, upon the testimony of witnesses rigidly examined, and deposing in the face of day. If such a proceeding had been adopted toward me, unjust as I certainly should have regarded it, I should, I trust, have met, with a becoming constancy, a trial as painful as it would have been undeserved. I would have manifested, by a profound submission to the laws of my country, my perfect faith in her justice; and, relying on the purity of my motives and the rectitude of my conduct, should have looked forward with confidence to a triumphant refutation in the presence of that country, and by the solemn judgment of such a tribunal, not only of whatever charges might have been formally preferred against me, but of all the calumnies of which I have hitherto been the unresisting victim.

As it is, I have been accused without evidence, and condemned without a hearing. As far as such proceedings can accomplish it, I am deprived of public confidence in the administration of the government, and denied even the boast of a good name—a name transmitted to me from a patriot father, prized as my proudest inheritance, and carefully preserved for those who are to come after me, as the most precious of all earthly possessions. I am not only subjected to imputations affecting my character as an individual, but am charged with offences against the country so grave and so heinous, as to deserve public disgrace and disfranchisement,

I am charged with violating pledges which I never gave ; and because I execute what I believe to be the law, with usurping powers not conferred by law ; and, above all, with using the powers conferred upon the president by the constitution from corrupt motives and for unwarrantable ends. And these charges are made without any particle of evidence to sustain them, and, as I solemnly affirm, without any foundation in truth.

Why is a proceeding of this sort adopted at this time ? Is the occasion for it found in the fact, that having been elected to the second office under the constitution, by the free and voluntary suffrages of the people, I have succeeded to the first, according to the express provisions of the fundamental law of the same people ? It is true that the succession of the vice-president to the chief magistracy has never occurred before, and that all prudent and patriotic minds have looked on this new trial of the wisdom and stability of our institutions with a somewhat anxious concern. I have been made to feel too sensibly the difficulties of my unprecedented position, not to know all that is intended to be conveyed in the reproach cast upon a president without a party. But I found myself placed in this most responsible station by no usurpation or contrivance of my own. I was called to it, under Providence, by the supreme law of the land, and the deliberately-declared will of the people. It is by these, the people, that I have been clothed with the high powers which they have seen fit to confide to their chief executive, and been charged with the solemn responsibility under which those powers are to be exercised. It is to them I hold myself answerable, as a moral agent, for a free and conscientious discharge of the duties which they have imposed upon me. It is not as an individual merely that I am now called upon to resist the encroachment of unconstitutional power. I represent the executive authority of the people of the United States ; and it is in their name (whose mere agent and servant I am, and whose will, declared in their fundamental law, I dare not, even were I inclined, to disobey) that I protest against every attempt to break down the undoubted constitutional power of this department, without a solemn amendment of the fundamental law.

I am determined to uphold the constitution in this, as in other respects, to the utmost of my ability, and in defiance of all personal consequences. What may happen to an individual is of little importance ; but the constitution of the country, or any of its great and clear principles and provisions, is too sacred to be surrendered, under any circumstances whatever, by those who are charged with its protection and defence. Least of all should he be held guiltless who, placed at the head of one of the great departments of the government, should shrink from the exercise of its unquestionable authority on the most important occasions ; and should consent, without a struggle, to efface all the barriers so carefully created by the people to control and circumscribe the powers confided to their various agents. It may be desirable, as the majority of the house of representatives has declared it is, that no such checks upon the will of the legislature should be suffered to continue. This is a matter for the people and the states to decide ; but until they shall have decided it, I shall feel myself bound to execute, without fear or favor, the law as it has been written by our predecessors.

I protest against this whole proceeding of the house of representatives, as *ex parte* and *extra judicial*. I protest against it, as subversive of the common right of all citizens to be condemned only upon a fair and impartial trial, according to law and evidence, before the country. I protest against

it, as destructive of all the comity of intercourse between the departments of this government, and destined, sooner or later, to lead to conflicts fatal to the peace of the country and the integrity of the constitution. I protest against it, in the name of that constitution, which is not only my own shield of protection and defence, but that of every American citizen. I protest against it, in the name of the people, by whose will I stand where I do, and by whose authority I exercised the power which I am charged with having usurped, and to whom I am responsible for the firm and faithful discharge, according to my own convictions of duty, of the high stewardship confided to me by them. I protest against it, in the name of all regulated liberty, and all limited government, as a proceeding tending to the utter destruction of the checks and balances of the constitution, and the accumulating in the hands of the house of representatives, or a bare majority of Congress, for the time being, an uncontrolled and despotic power. And I respectfully ask that this, my protest, may be entered upon the journal of the house of representatives, as a solemn and formal declaration, for all time to come, of the injustice and unconstitutionality of such a proceeding.

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## SECOND ANNUAL MESSAGE.

DECEMBER 7, 1842.

*To the Senate and House of Representatives of the United States :—*

WE have continued reason to express our profound gratitude to the great Creator of all things, for numberless benefits conferred upon us as a people. Blessed with genial seasons, the husbandman has his garners filled with abundance, and the necessaries of life, not to speak of its luxuries, abound in every direction. While in some other nations, steady and industrious labor can hardly find the means of subsistence, the greatest evil which we have to encounter is a surplus of production beyond the home demand, which seeks, and with difficulty finds, a partial market in other regions. The health of the country, with partial exceptions, has for the past year been well preserved; and under their free and wise institutions, the United States are rapidly advancing toward the consummation of the high destiny which an overruling Providence seems to have marked out for them. Exempt from domestic convulsion, and at peace with all the world, we are left free to consult as to the best means of securing and advancing the happiness of the people. Such are the circumstances under which you now assemble in your respective chambers, and which should lead us to unite in praise and thanksgiving to that great Being who made us, and who preserves us as a nation.

I congratulate you, fellow-citizens, on the happy change in the aspect of our foreign affairs, since my last annual message. Causes of complaint at that time existed between the United States and Great Britain, which, attended by irritating circumstances, threatened most seriously the public peace. The difficulty of adjusting amicably the questions at issue between the two countries, was, in no small degree, augmented by the lapse of time since they had their origin. The opinions entertained by the executive on several of the leading topics in dispute, were frankly set

forth in the message at the opening of your late session. The appointment of a special minister by Great Britain to the United States, with power to negotiate upon most of the points of difference, indicated a desire on her part amicably to adjust them, and that minister was met by the executive in the same spirit which had dictated his mission. The treaty consequent thereon, having been duly ratified by the two governments, a copy, together with the correspondence which accompanied it, is herewith communicated. I trust that while you may see in it nothing objectionable, it may be the means of preserving, for an indefinite period, the amicable relations happily existing between the two governments. The question of peace or war between the United States and Great Britain, is a question of the deepest interest, not only to themselves but to the civilized world, since it is scarcely possible that a war could exist between them, without endangering the peace of Christendom. The immediate effect of the treaty upon ourselves, will be felt in the security afforded to mercantile enterprise, which, no longer apprehensive of interruption, adventures its speculations in the most distant seas, and, freighted with the diversified productions of every land, returns to bless our own. There is nothing in the treaty which, in the slightest degree, compromises the honor or dignity of either nation. Next to the settlement of the boundary line, which must always be a matter of difficulty between states, as between individuals, the question which seemed to threaten the greatest embarrassment was that connected with the African slave-trade. By the tenth article of the treaty of Ghent, it was expressly declared, that, "Whereas, the traffic in slaves is irreconcilable with the principles of humanity and justice, and whereas, both his majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting parties shall use their best endeavors to accomplish so desirable an object." In the enforcement of the laws and treaty stipulations of Great Britain, a practice had threatened to grow up on the part of its cruisers, of subjecting to visitation ships sailing under the American flag, which, while it seriously involved our maritime rights, would subject to vexation a branch of our trade which was daily increasing, and which required the fostering care of the government. And although Lord Aberdeen, in his correspondence with the American envoys at London, expressly disclaimed all right to detain an American ship on the high seas, even if found with a cargo of slaves on board, and restricted the British pretension to a mere claim to visit and inquire, yet it could not well be discerned by the executive of the United States, how such visit and inquiry could be made without detention on the voyage, and consequent interruption to the trade. It was regarded as the right of search, presented only in a new form, and expressed in different words; and I therefore felt it to be my duty distinctly to declare, in my annual message to Congress, that no such concession could be made, and that the United States had both the will and the ability to enforce their own laws, and to protect their flag from being used for purposes wholly forbidden by those laws, and obnoxious to the moral censure of the world.

Taking the message as his letter of instructions, our then minister at Paris felt himself required to assume the same ground in a remonstrance which he felt it to be his duty to present to M. Guizot, and through him to the king of the French, against what has been called the quintuple treaty; and his conduct, in this respect, met with the approval of this government. In close conformity with these views, the eighth article of

the treaty was framed, which provides that "each nation shall keep afloat, in the African seas, a force not less than eighty guns, to act separately and apart, under instructions from their respective governments, and for the enforcement of their respective laws and obligations." From this it will be seen that the ground assumed in the message has been fully maintained, at the same time that the stipulations of the treaty of Ghent are to be carried out in good faith by the two countries, and that all pretence is removed for interference with our commerce for any purpose whatever, by a foreign government. While, therefore, the United States have been standing up for the freedom of the seas, they have not thought proper to make that a pretext for avoiding a fulfilment of their treaty stipulations, or a ground for giving countenance to a trade reprobated by our laws. A similar arrangement by the other great powers, could not fail to sweep from the ocean the slave-trade, without the interpolation of any new principle into the maritime code. We may be permitted to hope that the example thus set will be followed by some, if not all of them. We thereby also afford suitable protection to the fair trader in those seas, thus fulfilling, at the same time, the dictates of sound policy, and complying with the claims of justice and humanity.

It would have furnished additional cause for congratulation, if the treaty could have embraced all subjects calculated in future to lead to a misunderstanding between the two governments. The territory of the United States, commonly called the Oregon territory, lying on the Pacific ocean, north of the forty-second degree of latitude, to a portion of which Great Britain lays claim, begins to attract the attention of our fellow-citizens, and the tide of population which has reclaimed what was so lately an unbroken wilderness, in more contiguous regions, is preparing to flow over those vast districts which stretch from the Rocky mountains to the Pacific ocean. In advance of the acquirement of individual rights to these lands, sound policy dictates that every effort should be resorted to by the two governments, to settle their respective claims. It became manifest at an early hour of the late negotiations, that any attempt, for the time being, satisfactorily to determine those rights, would lead to a protracted discussion, which might embrace in its failure other more pressing matters; and the executive did not regard it as proper to waive all the advantages of an honorable adjustment of other difficulties of great magnitude and importance, because this, not so immediately pressing, stood in the way. Although the difficulty referred to may not for several years to come involve the peace of the two countries, yet I shall not delay to urge on Great Britain the importance of an early settlement. Nor will other matters of commercial importance to the two countries be overlooked; and I have good reason to believe that it will comport with the policy of England, as it does with that of the United States, to seize upon this moment, when most of the causes of irritation have passed away, to cement the peace and unity of the two countries by wisely removing all grounds of probable future collision.

With the other powers of Europe our relations continue on the most amicable footing. Treaties now existing with them should be rigidly observed, and every opportunity, compatible with the interests of the United States, should be seized upon to enlarge the basis of commercial intercourse. Peace with all the world is the true foundation of our policy, which can only be rendered permanent by the practice of equal and impartial justice to all. Our great desire should be to enter only into that

rivalry which looks to the general good, in the cultivation of the sciences, the enlargement of the field for the exercise of the mechanical arts, and the spread of commerce—that great civilizer—to every land and sea. Carefully abstaining from interference in all questions exclusively referring themselves to the political interests of Europe, we may be permitted to hope an equal exemption from the interference of European governments, in what relates to the states of the American continent.

On the 23d of April last, the commissioners on the part of the United States, under the convention with the Mexican republic, of the 11th of April, 1839, made to the proper department a final report in relation to the proceedings of the commission. From this it appears that the total amount awarded to the claimants by the commissioners and the umpire appointed under that convention, was two millions twenty-six thousand and seventy-nine dollars and sixty-eight cents. The arbiter having considered that his functions were required by the convention to terminate at the same time with those of the commissioners, returned to the board, undecided for want of time, claims which had been allowed by the American commissioners, to the amount of nine hundred and twenty-eight thousand six hundred and twenty dollars and eighty-eight cents. Other claims, in which the amount sought to be recovered was three millions three hundred and thirty-six thousand eight hundred and thirty-seven dollars and five cents, were submitted to the board too late for its consideration. The minister of the United States at Mexico has been duly authorized to make demand for the payment of the awards according to the terms of the convention, and the provisions of the act of Congress of the 12th of June, 1840. He has also been instructed to communicate to that government the expectations of the government of the United States in relation to those claims which were not disposed of according to the provisions of the convention, and all others of citizens of the United States against the Mexican government.

He has also been furnished with other instructions, to be followed by him in case the government of Mexico should not find itself in a condition to make the present payment of the amount of the awards, in specie or its equivalent.

I am happy to be able to say that information, which is esteemed favorable, both to a just satisfaction of the awards, and a reasonable provision for other claims, has been recently received from Mr. Thompson, the minister of the United States, who has promptly and efficiently executed the instructions of his government, in regard to this important subject.

The citizens of the United States who accompanied the late Texan expedition to Santa Fé, and who were wrongfully taken and held as prisoners-of-war in Mexico, have all been liberated.

A correspondence has taken place between the department of state and the Mexican minister of foreign affairs, upon the complaint of Mexico that citizens of the United States were permitted to give aid to the inhabitants of Texas in the war existing between her and that republic. Copies of this correspondence are herewith communicated to Congress, together with copies of letters on the same subject, addressed to the diplomatic corps at Mexico, by the American minister and the Mexican secretary of state.

Mexico has thought proper to reciprocate the mission of the United States to that government by accrediting to this a minister of the same



rank as that of the representative of the United States in Mexico. From the circumstances connected with his mission, favorable results are anticipated from it. It is so obviously for the interest of both countries as neighbors and friends, that all just causes of mutual dissatisfaction should be removed, that it is to be hoped neither will omit or delay the employment of any practicable and honorable means to accomplish that end.

The affairs pending between this government and several others of the states of this hemisphere formerly under the dominion of Spain, have again, within the past year, been materially obstructed by the military revolutions and conflicts in those countries.

The ratifications of the treaty between the United States and the republic of Ecuador, of the 13th of June, 1839, have been exchanged, and that instrument has been duly promulgated on the part of this government. Copies are now communicated to Congress, with a view to enable that body to make such changes in the laws applicable to our intercourse with that republic as may be deemed requisite.

Provision has been made by the government of Chili for the payment of the claim on account of the illegal detention of the brig *Warrior* at Coquimbo, 1820. This government has reason to expect that other claims of our citizens against Chili will be hastened to a final and satisfactory close.

The empire of Brazil has not been altogether exempt from those convulsions which so constantly afflict the neighboring republics. Disturbances which recently broke out are, however, now understood to be quieted. But these occurrences, by threatening the stability of the governments, or by causing incessant and violent changes in them, or in the persons who administer them, tend greatly to retard provisions for a just indemnity for losses and injuries suffered by individual subjects or citizens of other states. The government of the United States will feel it to be its duty, however, to consent to no delay, not unavoidable, in making satisfaction for wrongs and injuries sustained by its own citizens. Many years having, in some cases, elapsed, a decisive and effectual course of proceeding will be demanded of the respective governments against whom claims have been preferred.

The vexatious, harassing, and expensive war which so long prevailed with the Indian tribes inhabiting the peninsula of Florida, has happily been terminated: whereby our army has been relieved from a service of the most disagreeable character, and the treasury from a large expenditure. Some casual outbreaks may occur, such as are incident to the close proximity of border settlers and the Indians; but these, as in all other cases, may be left to the care of the local authorities, aided, when occasion may require, by the forces of the United States. A sufficient number of troops will be maintained in Florida so long as the remotest apprehensions of danger shall exist; yet their duties will be limited rather to the garrisoning of the necessary posts, than to the maintenance of active hostilities. It is to be hoped that a territory, so long retarded in its growth, will now speedily recover from the evils incident to a protracted war, exhibiting, in the increased amount of its rich productions, true evidences of returning wealth and prosperity. By the practice of rigid justice toward the numerous Indian tribes residing within our territorial limits, and the exercise of a parental vigilance over their interests, protecting them against fraud and intrusion, and at the same time using every proper expedient to introduce among them the arts of civilized life, we may fondly hope, not only to

wean them from their love for war, but to inspire them with a love of peace and all its avocations. With several of the tribes, great progress in civilizing them has already been made. The schoolmaster and the missionary are found side by side, and the remains of what were once numerous and powerful nations may yet be preserved as the builders-up of a new name for themselves and their posterity.

The balance in the treasury on the first of January, 1842 (exclusive of the amount deposited with the states, trust-funds, and indemnities), was two hundred and thirty thousand, four hundred and eighty-three dollars and sixty-eight cents. The receipts into the treasury during the first three quarters of the present year, from all sources, amount to twenty-six millions, six hundred and sixteen thousand, five hundred and ninety-three dollars and seventy-eight cents, of which more than fourteen millions were received from customs, and about one million from the public lands. The receipts for the fourth quarter are estimated at nearly eight millions; of which four millions are expected from customs, and three and a half millions from loans and treasury-notes. The expenditures of the first three quarters of the present year exceed twenty-six millions, and those estimated for the fourth quarter amount to about eight millions: and it is anticipated there will be a deficiency of half a million on the first of January next; but that the amount of outstanding warrants (estimated at three hundred thousand dollars) will leave an actual balance of about two hundred and twenty-four thousand dollars in the treasury. Among the expenditures of the year, are more than eight millions for the public debt, and six hundred thousand dollars on account of the distribution to the states of the proceeds of sales of the public lands.

The present tariff of duties was somewhat hastily and hurriedly passed near the close of the late session of Congress. That it should have defects, can, therefore, be surprising to no one. To remedy such defects as may be found to exist in many of its numerous provisions, will not fail to claim your serious attention. It may well merit inquiry, whether the exaction of all duties in cash does not call for the introduction of a system which has proved highly beneficial in countries where it has been adopted. I refer to the warehousing system. The first and most prominent effect which it would produce, would be to protect the market alike against redundant or deficient supplies of foreign fabrics—both of which, in the long run, are injurious, as well to the manufacturer as the importer. The quantity of goods in store being at all times readily known, it would enable the importer, with an approach to accuracy, to ascertain the actual wants of the market, and to regulate himself accordingly. If, however, he should fall into error, by importing an excess above the public wants, he could readily correct its evils by availing himself of the benefits and advantages of the system thus established. In the storehouse, the goods imported would await the demands of the market, and their issues would be governed by the fixed principles of demand and supply. Thus an approximation would be made to a steadiness and uniformity of price, which, if attainable, would conduce to the decided advantage of mercantile and mechanical operations.

The apprehension may be well entertained, that without something to ameliorate the rigor of cash payments, the entire import trade may fall into the hands of a few wealthy individuals in this country and in Europe. The small importer, who requires all the money he can raise for investments abroad, and who can but ill afford to pay the lowest duty, would have to

subduct in advance a portion of his funds in order to pay the duties, and would lose the interest upon the amount thus paid for all the time the goods might remain unsold, which might absorb his profits. The rich capitalist, abroad as well as at home, would thus possess, after a short time, an almost exclusive monopoly of the import trade, and laws designed for the benefit of all would thus operate for the benefit of the few—a result wholly uncongenial with the spirit of our institutions, and anti-republican in all its tendencies. The warehousing system would enable the importer to watch the market, and to select his own time for offering his goods for sale. A profitable portion of the carrying-trade in articles entered for the benefit of drawback, must also be most seriously affected, without the adoption of some expedient to relieve the cash system. The warehousing system would afford that relief, since the carrier would have a safe recourse to the public storehouses, and might, without advancing the duty, reship within some reasonable period to foreign ports. A further effect of the measure would be to supersede the system of drawbacks, thereby effectually protecting the government against fraud, as the right of debentures would not attach to goods after withdrawal from the public stores.

In revising the existing tariff of duties, should you deem it proper to do so at your present session, I can only repeat the suggestions and recommendations which, upon several occasions, I have heretofore felt it to be my duty to offer to Congress. The great, primary, and controlling interest of the American people is union—union not only in the mere forms of government—forms which may be broken—but union founded in an attachment of states and individuals for each other. This union in sentiment and feeling can only be preserved by the adoption of that course of policy which, neither giving exclusive benefits to some, nor imposing unnecessary burdens upon others, shall consult the interests of all, by pursuing a course of moderation, and thereby seeking to harmonize public opinion, and causing the people everywhere to feel and to know that the government is careful of the interest of all alike. Nor is there any subject in regard to which moderation, connected with a wise discrimination, is more necessary than in the imposition of duties on imports. Whether reference be had to revenue, the primary object in the imposition of taxes, or to the incidents which necessarily flow from their imposition, this is entirely true. Extravagant duties defeat their end and object, not only by exciting in the public mind an hostility to the manufacturing interests, but by inducing a system of smuggling on an extensive scale, and the practice of every manner of fraud upon the revenue, which the utmost vigilance of government can not effectually suppress. An opposite course of policy would be attended by results essentially different, of which every interest of society, and none more than those of the manufacturer, would reap important advantages. Among the most striking of its benefits would be that derived from the general acquiescence of the country in its support, and the consequent permanency and stability which would be given to all operations of industry. It can not be too often repeated, that no system of legislation can be wise which is fluctuating and uncertain. No interest can thrive under it. The prudent capitalist will never adventure his capital in manufacturing establishments, or in any other leading pursuit of life, if there exists a state of uncertainty as to whether the government will repeal to-morrow what it has enacted to-day. Fitful profits, however high, if threatened with a ruinous reduction by a vacillating policy on the

part of government, will scarcely tempt him to trust the money which he has acquired by a life of labor, upon the uncertain adventure. I, therefore, in the spirit of conciliation, and influenced by no other desire than to rescue the great interests of the country from the vortex of political contention, and in the discharge of the high and solemn duties of the place which I now occupy, recommend moderate duties, imposed with a wise discrimination as to their several objects, as being not only most likely to be durable, but most advantageous to every interest of society.

The report of the secretary of the war department exhibits a very full and satisfactory account of the various and important interests committed to the charge of that officer. It is particularly gratifying to find that the expenditures for the military service are greatly reduced in amount—that a strict system of economy has been introduced into the service, and the abuses of past years greatly reformed. The fortifications on our maritime frontier have been prosecuted with much vigor, and at many points, our defences are in a very considerable state of forwardness. The suggestions in reference to the establishment of means of communication with our territories on the Pacific, and to the surveys so essential to a knowledge of the resources of the intermediate country, are entitled to the most favorable consideration. While I would propose nothing inconsistent with friendly negotiations, to settle the extent of our claims in that region, yet a prudent forecast points out the necessity of such measures as may enable us to maintain our rights. The arrangements made for preserving our neutral relations on the boundary between us and Texas, and keeping in check the Indians in that quarter, will be maintained so long as circumstances may require.

For several years, angry contentions have grown out of the disposition directed by law to be made of the mineral lands held by the government in several of the states. The government is constituted the landlord, and the citizens of the states wherein lie the lands, are its tenants. The relation is an unwise one, and it would be much more conducive to the public interest that a sale of the lands should be made, than that they should remain in their present condition. The supply of the ore would be more abundantly and certainly furnished, when to be drawn from the enterprise and the industry of the proprietor, than under the present system.

The recommendation of the secretary in regard to the improvement of western waters, and certain prominent harbors on the lakes, merits, and I doubt not will receive, your serious attention. The great importance of these subjects to the prosperity of the extensive region referred to, and the security of the whole country in time of war, can not escape observation. The losses of life and property which annually occur in the navigation of the Mississippi alone, because of the dangerous obstructions in the river, make a loud demand upon Congress for the adoption of efficient measures for the removal. The report of the secretary of the navy will bring you acquainted with that important branch of the public defences. Considering the already vast and daily-increasing commerce of the country, apart from the exposure to hostile inroad of an extended seaboard, all that relates to the navy is calculated to excite particular attention. Whatever tends to add to its efficiency, without entailing unnecessary charges upon the treasury, is well worthy of your serious consideration. It will be seen that while an appropriation exceeding by less than a million the appropriations of the present year, is asked by the secretary, yet that in this

sum is proposed to be included four hundred thousand dollars, for the purpose of clothing, which, when once expended, will be annually reimbursed by the sale of the clothes, and will thus constitute a perpetual fund, without any new appropriation to the same object. To this may also be added fifty thousand dollars, to cover the arrearages of past years, and two hundred and fifty thousand dollars, in order to maintain a competent squadron on the coast of Africa; all of which, when deducted, will reduce the expenditures nearly within the limits of those of the current year. While, however, the expenditures will thus remain very nearly the same as of the antecedent year, it is proposed to add greatly to the operations of the marine, and in lieu of only twenty-five ships in commission, and but little in the way of building, to keep, with the same expenditure, forty-one vessels afloat, and to build twelve ships of a small class.

A strict system of accountability is established, and great pains are taken to insure industry, fidelity, and economy, in every department of duty. Experiments have been instituted to test the quality of various materials, particularly copper, iron, and coal, so as to prevent fraud and imposition.

It will appear, by the report of the postmaster-general, that the great point which, for several years, has been so much desired, has, during the current year, been fully accomplished. The expenditures of the department, for the current year, have been brought within its income without lessening its general usefulness. There has been an increase of revenue equal to one hundred and sixty-six thousand dollars for the year 1842 over that of 1841, without, as it is believed, any addition having been made to the number of letters and newspapers transmitted through the mails. The postoffice laws have been honestly administered, and fidelity has been observed in accounting for, and paying over, by the subordinates of the department, the moneys which have been received. For the details of the service, I refer you to the report.

I flatter myself that the exhibition thus made of the condition of the public administration will serve to convince you that every proper attention has been paid to the interests of the country by those who have been called to the heads of the different departments. The reduction in the annual expenditures of the government already accomplished furnishes a sure evidence that economy in the application of the public moneys is regarded as a paramount duty.

At peace with all the world; the personal liberty of the citizen sacredly maintained, and his rights secured under political institutions deriving all their authority from the direct sanction of the people; with a soil fertile almost beyond example, and a country blessed with every diversity of climate and production, what remains to be done in order to advance the happiness and prosperity of such a people? Under ordinary circumstances this inquiry could readily be answered. The best that probably could be done for a people inhabiting such a country, would be to fortify their peace and security in the prosecution of their various pursuits, by guarding them against invasion from without, and violence from within. The rest, for the greater part, might be left to their own energy and enterprise. The chief embarrassments which at the moment exhibit themselves, have arisen from over-action; and the most difficult task which remains to be accomplished is that of correcting and overcoming its effects. Between the years 1833 and 1838, additions were made to bank-capital and bank-issues, in the form of notes designed for circulation, to an extent

enormously great. The question seemed to be, not how the best currency could be provided, but in what manner the greatest amount of bank-paper could be put in circulation. Thus a vast amount of what was called money—since, for the time being, it answered the purposes of money—was thrown upon the country; an over-issue, which was attended, as a necessary consequence, by an extravagant increase of the prices of all articles of property, the spread of a speculative mania all over the country, and has finally ended in a general indebtedness on the part of states and individuals, the prostration of public and private credit, a depreciation in the market value of real and personal estate, and has left large districts of country almost entirely without any circulating medium. In view of the fact that, in 1830, the whole bank-note circulation within the United States amounted to but sixty-one millions, three hundred and twenty-three thousand, eight hundred and ninety-eight dollars, according to the treasury statements, and that an addition had been made thereto of the enormous sum of eighty-eight millions of dollars in seven years (the circulation on the 1st of January, 1837, being stated at one hundred and forty-nine millions, one hundred and eighty-five thousand, eight hundred and ninety dollars), aided by the great facilities afforded in obtaining loans from European capitalists, who were seized with the same speculative mania which prevailed in the United States—and the large importations of funds from abroad, the result of stock sales and loans—no one can be surprised at the apparent but unsubstantial state of prosperity which everywhere prevailed over the land; while as little cause of surprise should be felt at the present prostration of everything, and the ruin which has befallen so many of our fellow-citizens in the sudden withdrawal from circulation of so large an amount of bank-issues since 1837—exceeding, as is believed, the amount added to the paper currency for a similar period antecedent to 1837—it ceases to be a matter of astonishment that such extensive shipwreck should have been made of private fortunes, or that difficulties should exist in meeting their engagements on the part of the debtor states. Apart from which, if there be taken into account the immense losses sustained in the dishonor of numerous banks, it is less a matter of surprise that insolvency should have visited many of our fellow-citizens, than that so many should have escaped the blighting influences of the times.

In the solemn conviction of these truths, and with an ardent desire to meet the pressing necessities of the country, I felt it to be my duty to cause to be submitted to you, at the commencement of your late session, the plan of an exchequer, the whole power and duty of maintaining which, in purity and vigor, was to be exercised by the representatives of the people, and the states, and therefore virtually by the people themselves. It was proposed to place it under the control and direction of a treasury-board, to consist of three commissioners, whose duty should be to see that the law of its creation was faithfully executed, and that the great end of supplying a paper medium of exchange, at all times convertible into gold and silver, should be attained. The board thus constituted was given as much permanency as could be imparted to it, without endangering the proper share of responsibility which should attach to all public agents. In order to insure all the advantages of a well-matured experience, the commissioners were to hold their offices for the respective periods of two, four, and six years, thereby securing at all times in the management of the exchequer, the services of two men of experience; and to place them in a

condition to exercise perfect independence of mind and action, it was provided that their removal should only take place for actual incapacity or infidelity to the trust, and to be followed by the president with an exposition of the causes of such removal, should it occur. It was proposed to establish subordinate boards in each of the states, under the same limitations and restrictions of the power of removal, which, with the central board, should receive, safely keep, and disburse, the public moneys; and in order to furnish a sound paper medium of exchange, the exchequer should retain of the revenues of the government a sum not to exceed five millions of dollars in specie, to be set apart as required by its operations, and to pay the public creditor, at his own option, either in specie or treasury-notes of denominations not less than five, nor exceeding one hundred dollars, which notes should be redeemed at the several places of issue, and to be receivable at all times and everywhere in payment of government dues; with a restraint upon such issue of bills that the same should not exceed the *maximum* of fifteen millions of dollars. In order to guard against all the hazards incident to fluctuations in trade, the secretary of the treasury was invested with authority to issue five millions of dollars of government stock, should the same at any time be regarded as necessary, in order to place beyond hazard the prompt redemption of the bills which might be thrown into circulation; thus in fact making the issue of fifteen millions of dollars of exchequer bills rest substantially on ten millions of dollars; and keeping in circulation more than one and one half dollars for every dollar in specie. When to this it is added that the bills are not only everywhere receivable in government dues, but that the government itself would be bound for their ultimate redemption, no rational doubt can exist that the paper which the exchequer would furnish would readily enter into the general circulation, and be maintained at all times at or above par with gold or silver; thereby realizing the great want of the age, and fulfilling the wishes of the people. In order to reimburse the government the expenses of the plan, it was proposed to invest the exchequer with a limited authority to deal in bills of exchange, unless prohibited by the state in which an agency might be situated, having only thirty days to run, and resting on a fair and *bonafide* basis. The legislative will on this point might be so plainly announced, as to avoid all pretext for partiality or favoritism. It was furthermore proposed to invest this treasury agent with authority to receive on deposit, to a limited amount, the specie funds of individuals, and to grant certificates therefor, to be redeemed on presentation, under the idea, which is believed to be well founded, that such certificates would come in aid of the exchequer bills in supplying a safe and ample paper circulation. Or, if in place of the contemplated dealings in exchange, the exchequer should be authorized, not only to exchange its bills for actual deposits of specie, but for specie or its equivalent to sell drafts, charging therefor a small but reasonable premium, I can not doubt but that the benefits of the law would be speedily manifested in the revival of the credit, trade, and business of the whole country. Entertaining this opinion, it becomes my duty to urge its adoption upon Congress, by reference to the strongest considerations of the public interests, with such alterations in its details as Congress may in its wisdom see fit to make.

I am well aware that this proposed alteration and amendment of the laws establishing the treasury department has encountered various objections, and that among others it has been proclaimed a government bank

of fearful and dangerous import. It is proposed to confer upon it no extraordinary powers. It purports to do no more than pay the debts of the government with the redeemable paper of the government—in which respect it accomplishes precisely what the treasury does daily at this time, in issuing to the public creditors the treasury-notes which, under law, it is authorized to issue. It has no resemblance to an ordinary bank, as it furnishes no profits to private stockholders, and lends no capital to individuals. If it be objected to as a government bank, and the objection be available—then should all the laws in relation to the treasury be repealed, and the capacity of the government to collect what is due to it, or pay what it owes, be abrogated.

This is the chief purpose of the proposed exchequer; and surely if, in the accomplishment of a purpose so essential, it affords a sound circulating medium to the country, and facilities to trade, it should be regarded as no slight recommendation of it to public consideration. Properly guarded by the provisions of law, it can run into no dangerous evil, nor can any abuse arise under it but such as the legislature itself will be answerable for, if it be tolerated; since it is but the creature of the law, and is susceptible at all times of modification, amendment, or repeal, at the pleasure of Congress. I know that it has been objected that the system would be liable to be abused by the legislature, by whom alone it could be abused, in the party conflicts of the day. That such abuse would manifest itself in a change of the law which would authorize an excessive issue of paper for the purpose of inflating prices and winning popular favor. To that it may be answered, that the ascription of such a motive to Congress is altogether gratuitous and inadmissible. The theory of our institutions would lead us to a different conclusion. But a perfect security against a proceeding so reckless would be found to exist in the very nature of things. The political party which should be so blind to the true interests of the country as to resort to such an expedient, would inevitably meet with a final overthrow in the fact, that the moment the paper ceased to be convertible into specie, or otherwise promptly redeemed, it would become worthless, and would, in the end, dishonor the government, involve the people in ruin, and such political party in hopeless disgrace. At the same time, such a view involves the utter impossibility of furnishing any currency other than that of the precious metals; for, if the government itself can not forego the temptation of excessive paper issues, what reliance can be placed in corporations upon whom the temptation of individual aggrandizement would most strongly operate? The people would have to blame none but themselves for any injury that might arise from a course so reckless, since their agents would be the wrongdoers, and they the passive spectators.

There can be but three kinds of public currency. 1st, gold and silver; 2d, the paper of state institutions; or, 3d, a representative of the precious metals, provided by the general government, or under its authority. The sub-treasury system rejected the last in any form; and, as it was believed that no reliance could be placed on the issues of local institutions, for the purposes of general circulation, it necessarily and unavoidably adopted specie as the exclusive currency for its own use. And this must ever be the case unless one of the other kinds be used. The choice, in the present state of public sentiment, lies between an exclusive specie currency on the one hand, and government issues of some kind on the other. That these issues can not be made by a chartered institution, is supposed to be



conclusively settled. They must be made, then, directly by government agents. For several years past they have been thus made in the form of treasury-notes, and have answered a valuable purpose. Their usefulness has been limited by their being transient and temporary; their ceasing to bear interest at given periods, necessarily causes their speedy return, and thus restricts their range of circulation, and, being used only in the disbursements of the government, they can not reach those points where they are most required. By rendering their use permanent, to the moderate extent already mentioned, by offering no inducement for their return, and by exchanging them for coin and other values, they will constitute, to a certain extent, the general currency so much needed to maintain the internal trade of the country. And this is the exchequer plan, so far as it may operate in furnishing a currency.

I can not forego the occasion to urge its importance to the credit of the government in a financial point of view. The great necessity of resorting to every proper and becoming expedient in order to place the treasury on a footing of the highest respectability, is entirely obvious. The credit of the government may be regarded as the very soul of the government itself—a principle of vitality without which all its movements are languid, and all its operations embarrassed. In this spirit the executive felt itself bound by the most imperative sense of duty to submit to Congress, at its last session, the propriety of making a specific pledge of the land fund, as the basis for the negotiation of the loans authorized to be contracted. I then thought that such an application of the public domain would, without doubt, have placed at the command of the government ample funds to relieve the treasury from the temporary embarrassments under which it labored. American credit has suffered a considerable shock in Europe, from the large indebtedness of the states and the temporary inability of some of them to meet the interest on their debts. The utter and disastrous prostration of the United States bank of Pennsylvania, had contributed largely to increase the sentiment of distrust by reason of the loss and ruin sustained by the holders of its stock, a large portion of whom were foreigners, and many of whom were alike ignorant of our political organization, and of our actual responsibilities. It was the anxious desire of the executive that, in the effort to negotiate the loan abroad, the American negotiator might be able to point the money-lender to the fund mortgaged for the redemption of the principal and interest of any loan he might contract, and thereby vindicate the government from all suspicion of bad faith or inability to meet its engagements. Congress differed from the executive in this view of the subject. It became, nevertheless, the duty of the executive to resort to every expedient in its power to negotiate the authorized loan. After a failure to do so in the American market, a citizen of high character and talent was sent to Europe with no better success; and thus the mortifying spectacle has been presented, of the inability of this government to obtain a loan so small as not in the whole to amount to more than one fourth of its ordinary annual income; at a time when the governments of Europe, although involved in debt, and with their subjects heavily burdened with taxation, readily obtained loans of any amount at a greatly reduced rate of interest. It would be unprofitable to look further into this anomalous state of things, but I can not conclude without adding that, for a government which has paid off its debts of two wars with the largest maritime power of Europe, and now owing a debt which is almost next to nothing when compared with its boundless

resources, a government the strongest in the world, because emanating from the popular will, and firmly rooted in the affections of a great and free people, and whose fidelity to its engagements has never been questioned; for such a government to have tendered to the capitalists of other countries an opportunity for a small investment of its stocks, and yet to have failed, implies either the most unfounded distrust in its good faith, or a purpose, to obtain which the course pursued is the most fatal which could have been adopted. It has now become obvious to all men that the government must look to its own means for supplying its wants; and it is consoling to know that these means are altogether adequate for the object. The exchequer, if adopted, will greatly aid in bringing about this result. Upon what I regard as a well-founded supposition that its bills would be readily sought for by the public creditors, and that the issue would in a short time reach the maximum of fifteen millions of dollars, it is obvious that ten millions of dollars would thereby be added to the available means of the treasury without cost or charge. Nor can I fail to urge the great and beneficial effect which would be produced in aid of all the active pursuits of life. Its effects upon the solvent state banks, while it would force into liquidation those of an opposite character, through its weekly settlements, would be highly beneficial; and with the advantages of a sound currency, the restoration of confidence and credit would follow, with a numerous train of blessings. My convictions are most strong that these benefits would flow from the adoption of this measure; but if the result should be adverse, there is this security in connexion with it, that the law creating it may be repealed at the pleasure of the legislature, without the slightest implication of its good faith.

I recommend to Congress to take into consideration the propriety of reimbursing a fine imposed on General Jackson at New Orleans at the time of the attack and defence of that city, and paid by him. Without designing any reflection on the judicial tribunal which imposed the fine, the remission at this day may be regarded as not unjust or inexpedient. The voice of the civil authority was heard amid the glitter of arms, and obeyed by those who held the sword, thereby giving additional lustre to a memorable military achievement. If the laws were offended, their majesty was fully vindicated; and although the penalty incurred and paid is worthy of little regard in a pecuniary point of view, it can hardly be doubted that it would be gratifying to the war-worn veteran, now in retirement and in the winter of his days, to be relieved from the circumstances in which that judgment placed him. There are cases in which the public functionaries may be called on to weigh the public interest against their own personal hazards, and if the civil law be violated from praiseworthy motives, or an overruling sense of public danger and public necessity, punishment may well be restrained within that limit which asserts and maintains the authority of the law, and the subjection of the military to the civil power. The defence of New Orleans, while it saved the city from the hands of the enemy, placed the name of General Jackson among those of the greatest captains of the age, and illustrated one of the brightest pages of our history. Now that the causes of excitement, existing at that time, have ceased to operate, it is believed that the remission of this fine, and whatever of gratification that remission might cause the eminent man who incurred and paid it, would be in accordance with the general feeling and wishes of the American people.

I have thus, fellow-citizens, acquitted myself of my duty under the con-

stitution, by laying before you, as succinctly as I have been able, the state of the Union, and by inviting your attention to measures of much importance to the country. The executive will most zealously unite its efforts with those of the legislative department in the accomplishment of all that is required to relieve the wants of a common constituency, or elevate the destinies of a beloved country.

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## SPECIAL MESSAGE.

DECEMBER 14, 1842.

*To the House of Representatives of the United States :—*

Two bills were presented to me at the last session of Congress, which originated in the house of representatives, neither of which was signed by me, and both having been presented within ten days of the close of the session, neither has become a law.

The first of these was a bill, entitled, "An act to repeal the proviso of the sixth section of the act entitled, 'An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights,' approved September 4th, one thousand eight hundred and forty-one."

The bill was presented to me on Tuesday, the 30th August, at twenty-four minutes after four o'clock in the afternoon. For my opinions relative to the provisions contained in this bill, it is only necessary that I should refer to previous communications made by me to the house of representatives.

The other bill was entitled, "An act regulating the taking of the testimony in cases of contested elections, and for other purposes." This bill was presented to me at a quarter past one o'clock, on Wednesday, the 31st day of August. The two houses, by concurrent vote, had already agreed to terminate the session by adjournment at two o'clock on that day; that is to say, within three quarters of an hour from the time the bill was placed in my hands. It was a bill containing twenty-seven sections, and, I need not say, of an important nature.

On its presentment to me, its reading was immediately commenced, but was interrupted by so many communications from the senate, and so many other causes operating at the last hour of the session, that it was impossible to read the bill understandingly, and with proper deliberation, before the hour fixed for the adjournment of the two houses; and this, I presume, is a sufficient reason for neither signing the bill nor returning it with my objections.

The 17th joint rule of the two houses of Congress declares, that "no bill or resolution that shall have passed the house of representatives and the senate, shall be presented to the president of the United States for his approbation, on the last day of the session.

This rule was evidently designed to give to the president a reasonable opportunity of perusing important acts of Congress, and giving them some degree of consideration, before signing or returning the same.

It is true that the two houses have been in the habit of suspending this rule, toward the close of the session, in relation to particular bills; and it appears by the printed journal, that, by concurrent votes of the two houses, passed on the last day of the session, the rule was agreed to be

suspended, so far as the same should relate to all such bills as should have been passed by the two houses at one o'clock, on that day. It is exceedingly to be regretted that a necessity should ever exist for such suspension, in the case of bills of great importance, and therefore demanding careful consideration.

As the bill has failed, under the provisions of the constitution, to become a law, I abstain from expressing any opinion upon its several provisions—keeping myself wholly uncommitted as to my ultimate action on any similar measure, should the house think proper to originate it *de novo*, except so far as my opinion of the unqualified power of each house to decide for itself upon the election returns and qualifications of its own members, has been expressed by me in a paper lodged in the department of state at the time of signing an act entitled, “An act for the apportionment of representatives among the several states, according to the sixth census, approved June the twenty-second, eighteen hundred and forty-two,” a copy of which is in possession of the house.

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## SPECIAL MESSAGE.

DECEMBER 23, 1842.

*To the Senate of the United States :—*

I HAVE received the resolution of the 22d instant, requesting me “to inform the senate of the nature and extent of the informal communications which took place between the American secretary of state and the British special minister, during the late negotiation in Washington city, upon the subject of the claims of the United States and Great Britain to the territory west of the Rocky mountains; and also to inform the senate what were the reasons which prevented any agreement upon the subject at present, and which made it expedient to include this subject among the subjects of formal negotiation.”

In my message to Congress at the commencement of the present session, in adverting to the territory of the United States on the Pacific ocean, north of the forty-second degree of north latitude, a part of which is claimed by Great Britain, I remarked that, “in advance of the acquirement of individual right to these lands, sound policy dictated that every effort would be resorted to by the two governments to settle their respective claims;” and also stated that I should not delay to urge on Great Britain the importance of an early settlement. Measures have been already taken, in pursuance of the purpose thus expressed, and under the circumstances, I do not deem it consistent with the public interest to make any communication on the subject.

## SPECIAL MESSAGE.

DECEMBER 30, 1842.

*To the Senate and House of Representatives of the United States :—*

I COMMUNICATE herewith to Congress copies of a correspondence which has recently taken place between certain agents of the government of the Hawaiian or Sandwich islands and the secretary of state.

The condition of those islands has excited a good deal of interest, which is increasing by every successive proof that their inhabitants are making progress in civilization, and becoming more and more competent to maintain regular and orderly civil government. They lie in the Pacific ocean, much nearer to this continent than the other, and have become an important place for the refitment and provisioning of American and European vessels.

Owing to their locality, and to the course of the winds which prevail in this quarter of the world, the Sandwich islands are the stopping-place for almost all vessels passing from continent to continent across the Pacific ocean. They are especially resorted to by great numbers of vessels of the United States which are engaged in the whale-fishery in those seas. The number of vessels of all sorts, and the amount of property owned by citizens of the United States, which are found in those islands in the course of a year, are stated, probably with sufficient accuracy, in the letter of the agents.

Just emerging from a state of barbarism, the government of the islands is as yet feeble; but its dispositions appear to be just and pacific, and it seems anxious to improve the condition of its people, by the introduction of knowledge, of religious and moral institutions, means of education, and the arts of civilized life.

It can not but be in conformity with the interest and the wishes of the government and the people of the United States that this community, thus existing in the midst of a vast expanse of ocean, should be respected, and all its rights strictly and conscientiously regarded. And this must also be the true interest of all other commercial states. Far remote from the dominions of European powers, its growth and prosperity as an independent state may yet be in a high degree useful to all whose trade is extended to those regions; while its nearer approach to this continent, and the intercourse which American vessels have with it—such vessels constituting five sixths of all which annually visit it—could not but create dissatisfaction on the part of the United States at any attempt by another power, should such an attempt be threatened or feared, to take possession of the islands, colonize them, and subvert the native government. Considering, therefore, that the United States possesses so very large a share of the intercourse with those islands, it is deemed not unfit to make the declaration, that their government seeks nevertheless no peculiar advantages, no exclusive control over the Hawaiian government, but is content with its independent existence, and anxiously wishes for its security and prosperity. Its forbearance in this respect, under the circumstances of the very large intercourse of their citizens with the islands, would justify this government, should events hereafter arise to require it, in making a decided remonstrance against the adoption of an opposite policy by any other power. Under these circumstances, I recommend to Congress to provide for a mod-

erate allowance to be made out of the treasury to the consul residing there ; that in a government so new, and a country so remote, American citizens may have respectable authority to which to apply for redress, in case of injury to their persons and property, and to whom the government of the country may also make known any acts committed by American citizens, of which it may think it has a right to complain.

Events of considerable importance have recently transpired in China. The military operations carried on against that empire by the English government have been terminated by a treaty, according to the terms of which four important ports, hitherto shut against foreign commerce, are to be open to British merchants, viz., Amoy, Foo-Choo-Foo, Ningpo, and Chinghai. It can not but be interesting to the mercantile interest of the United States, whose intercourse with China, at the single port of Canton, has already become so considerable, to ascertain whether these other ports, now open to British commerce, are to remain shut, nevertheless, against the commerce of the United States. The treaty between the Chinese government and the British commissioner provides neither for the admission nor the exclusion of the ships of other nations. It would seem, therefore, that it remains with every other nation having commercial intercourse with China to seek to make proper arrangements for itself with the government of that empire in this respect.

The importations into the United States from China are known to be large—having amounted in some years, as will be seen by the annexed tables, to nine millions of dollars. The exports, too, from the United States to China, constitute an interesting and growing part of the commerce of the country. It appears that in the year 1841, in the direct trade between the two countries, the value of the exports from the United States amounted to seven hundred and fifteen thousand dollars in domestic produce, and four hundred and eighty-five thousand dollars in foreign merchandise. But the whole amount of American produce which finally reaches China, and is there consumed, is not comprised in these tables, which show only the direct trade. Many vessels with American products on board sail with a primary destination to other countries, but ultimately dispose of more or less of their cargoes in the port of Canton.

The peculiarities of the Chinese government and the Chinese character are well known. An empire, supposed to contain three hundred millions of subjects, fertile in various rich products of the earth, not without the knowledge of letters and of many arts, and with large and expensive accommodations for internal intercourse and traffic, has for ages sought to exclude the visits of strangers and foreigners from its dominions, and has assumed for itself a superiority over all other nations. Events appear likely to break down and soften this spirit of non-intercourse, and to bring China, ere long, into the relations which usually subsist between civilized states. She has agreed, in the treaty with England, that correspondence between the agents of the two governments shall be on equal terms—a concession which it is hardly probable will hereafter be withheld from other nations.

It is true, that the cheapness of labor among the Chinese, their ingenuity in its application, and the fixed character of their habits and pursuits, may discourage the hope of the opening of any great and sudden demand for the fabrics of other countries. But experience proves that the productions of western nations find a market to some extent among the Chinese ; that that market, so far as respects the productions of the United States, although

it has considerably varied in successive seasons, has, on the whole, more than doubled within the last ten years; and it can hardly be doubted that the opening of several new and important ports connected with parts of the empire heretofore seldom visited by Europeans or Americans, would exercise a favorable influence upon the demand for such productions.

It is not understood that the immediate establishment of correspondent embassies and missions, or the permanent residence of diplomatic functionaries, with full powers, of each country, at the court of the other, is contemplated between England and China; although, as has been already observed, it has been stipulated that intercourse between the two countries shall hereafter be on equal terms. An ambassador, or envoy extraordinary and minister plenipotentiary, can only be accredited, according to the usages of western nations, to the head or sovereign of the state; and it may be doubtful whether the court of Pekin is yet prepared to conform to these usages, so far as to receive a minister plenipotentiary to reside near it.

Being of opinion, however, that the commercial interests of the United States, connected with China, require at the present moment a degree of attention and vigilance, such as there is no agent of this government on the spot to bestow, I recommend to Congress to make appropriation for the compensation of a commissioner, to reside in China, to exercise a watchful care over the concerns of American citizens, and for the protection of their persons and property; empowered to hold intercourse with the local authorities, and ready, under instructions from his government, should such instructions become necessary and proper hereafter, to address himself to the high functionaries of the empire, or, through them, to the emperor himself.

It will not escape the observance of Congress, that, in order to secure the important objects of any such measure, a citizen of much intelligence and weight of character should be employed on such agency; and that, to secure the services of such an individual, a compensation should be made corresponding with the magnitude and importance of the mission.

## SPECIAL MESSAGE.

JANUARY 9, 1843.

*To the Senate of the United States:—*

I HAVE received a resolution of the senate, of the 27th of December, in the following terms:—

*“Resolved, That the president be requested to inform the senate, if compatible with the public interest, whether the quintuple treaty for the suppression of the slave-trade, has been communicated to the government of the United States in any form whatever. And if so, by whom, for what purpose, and what answer may have been returned to such communication. Also, to communicate to the senate all the information which may have been received by the government of the United States, going to show that ‘the course which this government might take in relation to said treaty, has excited no small degree of attention and discussion in Europe.’ Also, to inform the senate how far the ‘warm animadversions,’ and the ‘great political excitement,’ which this treaty has caused in Europe, have*

any application or reference to the United States. Also, to inform the senate what danger there was that '*the laws and the obligations*,' of the United States, in relation to the suppression of the slave-trade, would be 'executed by others,' if we did not '*remove the pretext and motive for violating our flag and executing our laws*,' by entering into the stipulations for the African squadron, and the remonstrating embassies, which are contained in the eighth and ninth articles of the late British treaty. Also, that the president be requested to communicate to the senate all the correspondence with our ministers abroad, relating to the foregoing points of inquiry. Also, that the president be requested to communicate to the senate all such information upon the negotiation of the African squadron articles as will show the origin of such articles, and the history and progress of their formation."

I informed the senate, in the message transmitting the treaty with England of the 9th of August last, that no application or request had been made to this government, to become a party to the quintuple treaty. Agents of this government, abroad, regarding the signature of that treaty as a political occurrence of some importance, obtained, unofficially, copies of it, and transmitted those copies to the department of state, as other intelligence is communicated for the information of the government. The treaty has not been communicated to the government of the United States from any other quarter, in any other manner, or for any other purpose.

The next request expressed in the resolution is in these words:—

"Also, to communicate to the senate all the information which may have been received by the government of the United States, going to show that the 'course which this government might take, in relation to said treaty, has excited no small degree of attention and discussion in Europe.' Also, to inform the senate how far the 'warm animadversions,' and the 'great political excitement' which this treaty has caused in Europe, have any application or reference to the United States."

These words, quoted in this part of the resolution, appear to be taken from my message abovementioned. In that communication I said:—

"No application or request has been made to this government to become a party to this treaty; but the course it might take in regard to it has excited no small degree of attention and discussion in Europe, as the principle upon which it is founded, and the stipulations which it contains, have caused warm animadversions, and great political excitement.

"In my message at the commencement of the present session of Congress, I endeavored to state the principles which this government supports, respecting the right of search and the immunity of flags. Desirous of maintaining those principles fully, at the same time that existing obligations should be fulfilled, I have thought it most consistent with the honor and dignity of the country, that it should execute its own laws, and perform its own obligations, by its own means and its own power. The examination or visitation of the merchant-vessels of one nation by the cruisers of another, for any purposes except those known and acknowledged by the law of nations, under whatever restraints or regulations it may take place, may lead to dangerous results. It is far better, by other means, to supersede any supposed necessity, or any motive, for such examination or visit. Interference with a merchant-vessel by an armed cruiser, is always a delicate proceeding, apt to touch the point of national honor, as well as to affect the interests of individuals. It has been thought, therefore, expedient, not only in accordance with the stipulations



of the treaty of Ghent, but at the same time as removing all pretext on the part of others for violating the immunities of the American flag, upon the seas, as they exist and are defined by the law of nations, to enter into the articles now submitted to the senate.

"The treaty which I now submit to you, proposes no alteration, mitigation, or modification of the rules of the laws of nations. It provides simply that each of the two governments shall maintain on the coast of Africa a sufficient squadron to enforce, separately and respectively, the laws, rights, and obligations of the two countries, for the suppression of the slave-trade."

These opinions were expressed by me, officially, upon the occasion of making to the senate a communication of very great importance. It is not perceived how the accuracy of this general statement can be doubted by those who are acquainted with the debates of public bodies in Europe, the productions of the press, and the other modes by which public opinion is manifested in an enlightened age. It is not to be supposed that excited attention to public and national transactions, or general political discussions in Europe, on subjects open to all the world, are known only in consequence of private information communicated to the government, and feeling a strong persuasion that it would be improper in the executive to go into any discussion or argument upon such a subject, with the senate, I have no further remarks to make upon this part of the inquiry.

'The third inquiry is :—

"What danger there was that 'the laws and obligations' of the United States, in relation to the suppression of the slave-trade would be 'executed by others,' if we did not 'remove the pretext and motive for violating our flag and executing our laws.'"

I have already quoted from the message the entire paragraph, to a part of which this portion of the inquiry is supposed to refer. As to the danger there was that the laws and the obligations of the United States, in relation to the suppression of the slave-trade, would be executed by others, if we did not remove the pretext and motive for violating our flag, and provide for executing our laws, I might say that this depends upon notorious facts and occurrences, of which the evidence has been in various forms before the country, and all the branches of the government.

When I came to occupy the executive chair, I could not be ignorant of the numerous complaints which had been made, on account of alleged interruptions of American vessels, engaged in lawful commerce on the coast of Africa, by British cruisers, on the ground of their being engaged in the slave-trade. I could not be ignorant, at the same time, of the well-grounded suspicions which pervaded the country, that some American vessels were engaged in that odious and unlawful traffic. There were two dangers, then, to be guarded against: the one, that this traffic would continue to be carried on in American ships, and perhaps much increased, unless some new and vigorous effort should be made for its suppression; the other, that acquiescence in the capture of American vessels, notorious slave-dealers, by British cruisers, might give countenance to seizures and detention of vessels lawfully employed, on light or groundless suspicions. And cases had arisen, under the administration of those who preceded me, well calculated to show the extent and magnitude of this latter danger; and, believing that very serious consequences might in time grow out of the obvious tendency and progress of things, I felt it to be my duty to arrest that progress, to rescue the immunity of the American flag from the

danger which hung over it, and to do this by recommending such a provision for the execution of our own laws, as should remove all pretence for the interference of others.

Among the occurrences to which I have alluded, it may be useful to particularize one case.

The schooner *Catharine*, an American vessel, owned by citizens of the United States, was seized on the coast of Africa, by the British cruiser, called the *Dolphin*, and brought into the port of New York in the summer of 1839. Upon being brought into port, Benjamin F. Butler, Esq., district attorney of the United States, for the southern district of New York, appeared in the district court of the United States for that district, and in the name and behalf of the United States, libelled the schooner, her apparel, and furniture, for a violation of the several acts of Congress, passed for the suppression of the slave-trade. The schooner being arrested by the usual process in such cases, and possession taken of her from the hands of the British captors, by officers of the United States, the cause proceeded, and by a decree of the circuit court in December, 1840, a forfeiture was pronounced. From this decree an appeal was taken, which is now pending in the supreme court of the United States.

It is true that in another case, that of the *Tigris*, of like general character, soon after arising, the then secretary of state, on the 1st of March, 1841, informed Mr. Fox, the British minister, that, "however strong and unchangeable may be the determination of this government to punish any citizens of the United States who violate the laws against the African slave-trade, it will not permit the exercise of any authority by foreign armed vessels, in the execution of those laws."

But it is evident that this general declaration did not relieve the subject from its difficulties. Vessels of the United States, found engaged in the African slave-trade, are guilty of piracy, under the acts of Congress. It is difficult to say that such vessels can claim any interference of the government in their behalf, into whosoever hands they may happen to fall, any more than vessels which should turn general pirates. Notorious African slave-traders can not claim the protection of the American character, inasmuch as they are acting in direct violation of the laws of their country, and stand denounced by those laws as pirates. In case of the seizure of such a vessel by a foreign cruiser, and her being brought into a port of the United States, what is to be done with her? Shall she be libelled, prosecuted, and condemned, as if arrested by a cruiser of the United States? If this is to be done, it is clear that the agency of a foreign power has been instrumental in executing the laws of the United States. Or, on the other hand, is the vessel, with all her offences flagrant upon her, to be released, on account of the agency by which she was seized, discharged of all penalties, and left at liberty to renew her illegal and nefarious traffic?

It appeared to me that the best, if not the only mode of avoiding these and other difficulties, was by adopting such a provision as is contained in the late treaty with England.

The senate asks me for the reasons for entering into the stipulations for the "remonstrating embassies" contained in the late treaty. Surely there is no stipulation in the treaty for any "remonstrating embassies," or any other embassies, nor any reference or allusion to any such thing. In this respect, all that the treaty provides is in the ninth article, and is in these words: "The parties to this treaty agree that they will unite in all

becoming representations and remonstrances, with any and all powers within whose dominions such markets [for African slaves] are allowed to exist; and that they will urge upon all such powers the propriety and duty of closing such markets effectually, at once and for ever."

It always gives me sincere pleasure to communicate to both houses of Congress anything in my power which may aid them in the discharge of their high duties, and which the public interest does not require to be withheld. In transmitting the late treaty to the senate, everything was caused to accompany it, which it was supposed could enlighten the judgment of the senate upon its various provisions. The views of the executive, in agreeing to the eighth and ninth articles, were fully expressed; and pending the discussion in the senate, every call for further information was promptly complied with, and nothing kept back which the senate desired. Upon this information, and upon its own knowledge of the subject, the senate made up and pronounced its judgment, upon its own high responsibility; and, as the result of that judgment, the treaty was ratified, as the journal shows, by a vote of thirty-nine to nine. The treaty has thus become the law of the land, by the express advice of the senate, given in the most solemn manner known to its proceedings.

The fourth request is, "That the president be requested to communicate to the senate, all the correspondence with our ministers abroad, relating to the foregoing points of inquiry."

If this branch of the resolution were more definite, some parts of it might, perhaps, be met, without prejudice to the public interest, by extracts from the correspondence referred to. At a future day, a communication may be expected, to be made as broad and general as a proper regard to these interests will admit; but at present, I deem any such communication not to be consistent with the public interest.

The fifth and last is, "That the president be requested to communicate to the senate all such information upon the negotiation of the African squadron articles, as will show the origin of such articles, and the history and progress of their formation."

These articles were proposed to the British minister by the secretary of state, under my express sanction, and were acceded to by him, and have since been ratified by both governments. I might, without disrespect, speak of the novelty of inquiring, by the senate, into the history and progress of articles of a treaty, through a negotiation which has terminated, and as the result of which these articles have become the law of the land, by the constitutional advice of the senate itself. But I repeat, that those articles had their origin in a desire on the part of the government of the United States to fulfil its obligations, entered into by the treaty of Ghent, to do its utmost for the suppression of the African slave-trade, and to accomplish this object by such means as should not lead to the interruption of the lawful commerce of the United States, or any derogation from the dignity and immunity of their flag. And I have the satisfaction to believe, that both the executive, in negotiating the treaty of which these articles form part, and the senate, in advising to its ratification, have effected an object important to the government and satisfactory to the people.

In conclusion, I hope I may be permitted to observe, that I have, out of a profound respect for the senate, been induced to make this communication in answer to inquiries, some of which, at least, are believed to be without precedent in the history of the relations between that body and the executive department. These inquiries were particularly unexpected to me, at

the present moment. As I have been so fortunate as to find my own views of the expediency of ratifying the late treaty with England, confirmed by a vote of somewhat more than four fifths of the senators present, I have hitherto flattered myself that the motives which influenced my conduct had been fully appreciated by those who advised and approved it; and that if a necessity should ever arise for any special explanation or defence in regard to those motives, it could scarcely be in that assembly itself.

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## SPECIAL MESSAGE.

JANUARY 31, 1843.

*To the House of Representatives of the United States :—*

At the last session of Congress, a resolution was passed by the house of representatives, requesting me to cause to be communicated to the house "the several reports made to the department of war by Lieutenant-Colonel Hitchcock, relative to the affairs of the Cherokee Indians, together with all information communicated by him concerning the frauds he was charged to investigate; also, all facts in the possession of the executive relating to the subject."

A resolution of the same import has been passed by the house of representatives on the 18th of May last, requiring the secretary of war to communicate to the house the same reports and matters. After consultation with me, and under my direction, the secretary of war informed the house that the reports referred to, relative to the affairs of the Cherokees, contained information and suggestions in reference to the matters which it was supposed would become the subject of negotiation between that department and the delegates of the Cherokee nation. It was stated by him that the nature and subject of the report, in the opinion of the president and the department, rendered its publication at that time inconsistent with the public interest.

The negotiation referred to subsequently took place, and embraced the matters upon which Lieutenant-Colonel Hitchcock had communicated his views. That negotiation terminated without the conclusion of an arrangement. All the information communicated by Lieutenant-Colonel Hitchcock, respecting the Cherokees, their condition as a nation, and their relations to other tribes, is herewith transmitted. But his suggestions and projects respecting the anticipated propositions of the delegates, and his views of their personal characters, can not, in any event, aid the legislation of Congress; and, in my opinion, the promulgation of them would be unfair and unjust to him, and inconsistent with the public interest, and they are therefore not transmitted.

The secretary of war further stated, in his answer to the resolution, that the other report referred to in it, relating to alleged frauds which Lieutenant-Colonel Hitchcock was charged to investigate, contained such information as he (Colonel Hitchcock) was enabled to obtain by exparte inquiries of various persons whose statements were necessarily without the sanction of an oath, and which the persons implicated had had no opportunity to contradict or explain. He expressed the opinion that to promulgate those statements at that time would be grossly unjust to those per-

sons, and would be calculated to defeat rather than promote the objects of the inquiry ; and he remarked that sufficient opportunity had not been given to the department to pursue the investigation, or to call upon the parties affected for explanations, or to determine on the measures proper to be adopted. And he hoped these reasons would be satisfactory for not transmitting to the house at that time the reports referred to in its resolution.

It would appear, from the report of the committee on Indian affairs, to whom the communication of the secretary of war was referred, and which report has been transmitted to me, together with the resolutions of the house adopted on the recommendation of the committee, and from those resolutions, that the reasons given by the secretary were not deemed satisfactory, and that the house of representatives claims the right to demand from the executive and heads of departments such information as may be in their possession relating to " subjects of the deliberations of the house, and within the sphere of its legitimate powers ;" and that, in the opinion of the house, the reports and facts called for by its resolution of the 18th of May related to subjects of its deliberations, and were within the sphere of its legitimate powers, and should have been communicated.

If, by the assertion of this claim of right to call upon the executive for all the information in its possession, relating to any subject of the deliberations of the house, and within the sphere of its legitimate powers, it is intended to assert, also, that the executive is bound to comply with such call, without the authority to exercise any discretion on its part in reference to the nature of the information required, or to the interests of the country, or of individuals to be affected by such compliance, then do I feel bound, in the discharge of the high duty imposed upon me, " to preserve, protect, and defend the constitution of the United States," to declare in the most respectful manner my entire dissent from such a proposition. The instrument from which the several departments of the government derive their authority makes each independent of the other in the discharge of their respective functions. The injunction of the constitution that the president " shall take care that the laws be faithfully executed," necessarily confers an authority commensurate with the obligation imposed, to inquire into the manner in which all public agents perform the duties assigned to them by law. To be effective, these inquiries must often be confidential. They may result in the collection of truth or of falsehood ; or they may be incomplete, and may require further prosecution. To maintain that the president can exercise no discretion as to the time in which the matters thus collected shall be promulgated, or in respect to the character of the information obtained, would deprive him at once of the means of performing one of the most salutary duties of his office. An inquiry might be arrested at its first stage, and the officer whose conduct demanded investigation may be enabled to elude or defeat it. To require from the executive the transfer of this discretion to a co-ordinate branch of the government, is equivalent to the denial of its possession by him, and would render him dependent upon that branch in the performance of a duty purely executive.

Nor can it be a sound position, that all papers, documents, and information of every description, which may happen by any means to come into the possession of the president or of the heads of the departments, must necessarily be subject to the call of the house of representatives, *merely* because they relate to a subject of the deliberations of the house, although

that subject may be within the sphere of its legitimate powers. It can not be that the only test is, whether the information relates to a legitimate subject of deliberation. The executive department and the citizens of this country have their rights and duties, as well as the house of representatives; and the maxim that the rights of one person or body are to be so exercised as not to impair those of others, is applicable, in its fullest extent, to this question. Impertinence or malignity may seek to make the executive departments the means of incalculable and irremediable injury to innocent parties by throwing into them libels most foul and atrocious. Shall there be no discretionary authority permitted to refuse to become the instruments of such malevolence?

And although information comes through a proper channel to an executive officer, it may often be of a character to forbid its being made public. The officer charged with a confidential inquiry, and who reports its results, under the pledge of confidence which his appointment implies, ought not to be exposed individually to the resentment of those whose conduct may be impugned by the information he collects. The knowledge that such is to be the consequence, will inevitably prevent the performance of duties of that character, and thus the government will be deprived of an important means of investigating the conduct of its agents.

It is certainly no new doctrine, in the halls of judicature or of legislation, that certain communications and papers are privileged, and that the general authority to compel testimony must give way in certain cases to the paramount rights of individuals or of the government. Thus, no man can be compelled to accuse himself, to answer any question that tends to render him infamous, or to produce his own private papers, on any occasion. The communications of a client to his counsel, and the admissions made at the confessional in the course of religious discipline, are privileged communications. In the courts of that country from which we derive our great principles of individual liberty and the rules of evidence, it is well settled, and the doctrine has been fully recognised in this country, that a minister of the crown or the head of the department can not be compelled to produce any papers, or disclose any transactions, relating to the executive functions of the government, which he declares are confidential, or such as the public interest requires should not be divulged; and the persons who have been the channels of communication to officers of the state are in like manner protected from the disclosure of their names. Other instances of privileged communications might be enumerated if it were deemed necessary. These principles are as applicable to evidence sought by a legislature as to that required by a court.

The practice of government since its foundation has sanctioned the principle that there must necessarily be a discretionary authority in reference to the nature of the information called for by either house of Congress.

The authority was claimed and exercised by General Washington, in 1796. In 1825, President Monroe declined compliance with a resolution of the house of representatives calling for the correspondence between the executive departments of this government and the officers of the United States navy and others, at or near the ports of South America, on the Pacific ocean. In a communication made by the secretary of war, in 1832, to the committee of the house on the public lands, by direction of President Jackson, he denies the obligation of the executive to furnish the information called for, and maintains the authority of the president to exercise a sound discretion in complying with calls of that description by the

house of representatives or its committees. Without multiplying other instances, it is not deemed improper to refer to the refusal of the president, at the last session of the present Congress, to comply with a resolution of the house of representatives calling for the names of the members of Congress who had applied for offices. As no further notice was taken in any form of this refusal, it would seem to be a fair inference that the house itself admitted that there were cases in which the president had a discretionary authority in respect to the transmission of information in the possession of any of the executive departments.

Apprehensive that the silence under the claim supposed to be set up in the resolutions of the house of representatives under consideration might be construed as an acquiescence in its soundness, I have deemed it due to the great importance of the subject to state my views, that a compliance in part with the resolution may not be deemed a surrender of a necessary authority of the executive.

Many of the reasons which existed at the date of the report of the secretary of war, of June 1, 1842, for then declining to transmit the report of Lieutenant-Colonel Hitchcock concerning the frauds which he was charged to investigate, have ceased to operate. It has been found wholly impracticable to pursue the investigation, in consequence of the death and removal out of the country of those who would be called on to testify, and in consequence of the want of adequate authority or means to render it effectual. It could not be conducted without expense. Congress, at its last session, prohibited the payment of any account or charge whatever, growing out of, or in any way connected with, any commission or inquiry, except military and naval courts-martial and courts of inquiry, unless special appropriations should be made for the payment of such accounts and charges. Of the policy of that provision of law it does not become me to speak, except to say that the institution of inquiries into the conduct of public agents, however urgent the necessity for such inquiry may be, is thereby virtually denied to the executive, and that if evils of magnitude shall arise in consequence of the law, I take to myself no portion of the responsibility.

In relation to the propriety of directing prosecutions against the contractors to furnish Indians rations, who are charged with improper conduct, a correspondence has been had between the war department and the solicitor of the treasury, which is herewith transmitted, in a conviction that such prosecution would be entirely ineffectual.

Under these circumstances, I have thought proper to direct that the report of Lieutenant-Colonel Hitchcock, concerning the frauds which he was charged to investigate, be transmitted to the house of representatives, and it accordingly accompanies this message. At the same time, I have to request the house to consider it so far confidential as not to direct its publication until the appropriate committee shall have examined it, and expressed their opinion whether a just regard to the character and rights of persons apparently implicated, but who have not had an opportunity to meet the imputations on them, does not require that portions, at least, of the report should not at present be printed.

This course is adopted by me from a desire to render justice to all, and at the same time avoid even the appearance of a desire to screen any; and also to prevent the exaggerated estimate of the importance of the information, which is likely to be made from the mere fact of its being withheld.

The resolution of the house also calls for "all facts in the possession of the executive, from any source, relating to the subject." There are two subjects specified in the resolution: one "relative to the affairs of the Cherokee Indians," and another "concerning the frauds which he (Lieutenant-Colonel Hitchcock) was charged to investigate."

All the papers in the war department or its bureaus, relating to the affairs of the Cherokee Indians, it is believed, have been from time to time communicated to Congress, and are contained in the printed documents, or are now transmitted, with the exception of those portions of Lieutenant-Colonel Hitchcock's report hereinbefore mentioned, and excepting the correspondence with the Cherokee delegates in the negotiations which took place during the last summer, which are not supposed to be within the intent of the resolution of the house. For the same reason, a memorial from the old settlers, or western Cherokees, as they term themselves, recently presented, is not transmitted. If these or any other public documents should be desired by the house, a specification of them will enable me to cause them to be furnished, if it should be found proper.

All the papers in the war office or its bureaus, known or supposed to have any relation to the alleged frauds which Lieutenant-Colonel Hitchcock was charged to investigate, are herewith transmitted.

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## SPECIAL MESSAGE.

FEBRUARY 13, 1843.

*To the House of Representatives of the United States:—*

I HEREWITH transmit to the house of representatives a report made to me on the 9th instant, by the secretary of the treasury, on the subject of the present and prospective condition of the finances.

You will perceive from it that even if the receipts from the various sources of revenue, for the current year, shall prove not to have been overrated, and the expenditures be restrained within the estimates, the treasury will be exhausted before the close of the year; and that this will be the case, although authority should be given to the proper department to reissue treasury-notes. But the state of facts existing at the present moment can not fail to awaken a doubt whether the amount of the revenue for the respective quarters of the year will come up to the estimates; nor is it entirely certain that the expenditures which will be authorized by Congress may not exceed the aggregate sum which has hitherto been assumed as the basis of the treasury calculations.

Of all the duties of the government, none is more sacred and imperative than that of making adequate and ample provision for fulfilling with punctuality its pecuniary engagements, and maintaining the public credit inviolate. Any failure in this respect, not produced by unforeseen causes, could only be regarded by our common constituents as a serious neglect of the public interests.

I feel it, therefore, to be an indispensable obligation, while so much of the session yet remains unexpired as to enable Congress to give to the subject the consideration which its great importance demands, most earnestly to call its attention to the propriety of making further provision for the public service of the year.



The proper objects of taxation are peculiarly within the discretion of the legislature, while it is the duty of the executive to keep Congress duly advised of the state of the treasury, and to admonish it of any danger which there may be found to apprehend of a failure in the means of meeting the expenditures authorized by law.

I ought not, therefore, to dissemble my fears that there will be a serious falling off in the estimated proceeds, both of the customs and the public lands. I regard the evil of disappointment in these respects as altogether too great to be risked, if by any possibility it may be entirely obviated.

While I am far from objecting, under present circumstances, to the recommendation of the secretary, that authority be granted him to reissue treasury-notes as they shall be redeemed, and to other suggestions which he has made on this subject, yet it appears to me to be worthy of grave consideration, whether more permanent and certain supplies ought not to be provided. The issue of one note in redemption of another is not the payment of a debt, which must be made in the end by some form of public taxation.

I can not forbear to add, that in a country so full of resources, of such abundant means, if they be but judiciously called out, the revenues of the government, its credit, and its ability to fulfil all its obligations, ought not to be made dependent on temporary expedients, or on calculations of an uncertain character. The public faith in this, as in all things else, ought to be placed beyond question and beyond contingency.

The necessity of further and full provision for supplying the wants of the treasury will be the more urgent, if Congress, at this present session, should adopt no plan for facilitating the financial operations of the government, and improving the currency of the country. By the aid of a wise and efficient measure of that kind, not only would the internal business and prosperity of the country be revived and invigorated, but important additions to the amount of revenue arising from importations might also be confidently expected. Not only does the present condition of things, in relation to the currency and commercial exchanges, produce severe and distressing embarrassments in the business and pursuits of individuals, but its obvious tendency is to create, also, a necessity for the imposition of new burdens of taxation, in order to secure the government and the country against discredit from the failure of means to fulfil the public engagement.

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## SPECIAL MESSAGE.

FEBRUARY 18, 1843.

*To the House of Representatives of the United States :—*

A RESOLUTION has been communicated to me, which was adopted by the house of representatives on the 2d instant, in the following terms :—

“ *Resolved*, That the president of the United States be requested to inform this house by what authority, and under whose instructions, Captain Thomas Ap Catesby Jones, commander of the squadron of the United States in the Pacific ocean, did, on or about the 19th of October last, in-

vade, in warlike array, the territories of the Mexican republic, take possession of the town of Monterey, and declare himself commander of the naval and military expedition for the occupation of the Californias.

"*Resolved*, That the president of the United States be requested to communicate to this house copies of all the instructions given by him, or under his authority, to the said Captain Jones, from the time of his appointment to the command of the said squadron; also copies of all communications received from him relating to his expedition for the occupation of the Californias; and also to inform this house whether orders have been despatched to the said Captain Jones, recalling him from his command."

The proceedings of Captain Jones, in taking possession of the town of Monterey, in the possession of Mexico, was entirely of his own authority, and not in consequence of any orders or instructions, of any kind, given to him by the government of the United States. For that proceeding he has been recalled, and the letter recalling him will be found among the papers herewith communicated.

The resolution of the house of representatives asks for "copies of all the instructions given to Captain Jones, from the time of his appointment to the command of the said squadron; also, copies of all communications received from him, relating to his expedition for the occupation of the Californias," without confining the request to such instructions and correspondence as relate to the transactions at Monterey, and without the usual reservation of such portions of the instructions or correspondence as, in the president's judgment, could not be made public without prejudice or danger to the public interests.

It may well be supposed that cases may arise, even in time of peace, in which it would be highly injurious to the country to make public, at a particular moment, the instructions under which a commander may be acting on a distant and foreign service. In such a case, should it arise, and in all similar cases, the discretion of the executive can not be controlled by the request of either house of Congress for the communication of papers. The duties which the constitution and the laws devolve on the president must be performed by him under his official responsibility; and he is not at liberty to disregard high interests or thwart important public objects by untimely publications, made against his own judgment, by whomsoever such publications may be requested. In the present case, not seeing that injury is likely to arise from so doing, I have directed copies of all the papers asked for to be communicated. And I avail myself of the opportunity of transmitting also copies of sundry letters, as noted below

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## SPECIAL MESSAGE.

FEBRUARY 27, 1843.

*To the House of Representatives of the United States:—*

In compliance with the resolution of the house of representatives of the 22d instant, requesting me to communicate to the house "whatever correspondence or communication may have been received from the British government, respecting the president's construction of the late British treaty concluded at Washington, as it concerns an alleged right to visit

American vessels," I herewith transmit a report made to me by the secretary of state.

I have also thought proper to communicate copies of Lord Aberdeen's letter of the 20th of December, 1841, of Mr. Everett's letter of the 23d of December, in reply thereto, and extracts from several letters of Mr. Everett to the secretary of state.

I can not forego the expression of my regret at the apparent purport of a part of Lord Aberdeen's despatch to Mr. Fox. I had cherished the hope that all possibility of misunderstanding as to the true construction of the 8th article of the treaty lately concluded between Great Britain and the United States, was precluded by the plain and well-weighed language in which it is expressed. The desire of both governments is to put an end as speedily as possible to the slave-trade; and that desire, I need scarcely add, is as strongly and as sincerely felt by the United States as it can be by Great Britain. Yet it must not be forgotten that the trade, though now universally reprobated, was, up to a late period, prosecuted by all who chose to engage in it; and there were unfortunately but very few Christian powers whose subjects were not permitted and even encouraged to share in the profits of what was regarded as a perfectly legitimate commerce. It originated at a period long before the United States had become independent, and was carried on within our borders, in opposition to the most earnest remonstrances and expostulations of some of the colonies in which it was most actively prosecuted. Those engaged in it were as little liable to inquiry or interruption as any others. Its character, thus fixed by common consent and general practice, could only be changed by the positive assent of each and every nation, expressed either in the term of municipal law or conventional arrangement. The United States led the way in efforts to suppress it. They claimed no right to dictate to others; but they resolved, without waiting for the co-operation of other powers, to prohibit it to their own citizens, and to visit its perpetration by them with condign punishment. I may safely affirm, that it never occurred to this government that any new maritime right accrued to it from the position it had thus assumed in regard to the slave-trade. If, before our laws for its suppression, the flag of every nation might traverse the ocean unquestioned by our cruisers, this freedom was not, in our opinion, in the least abridged by our municipal legislation.

Any other doctrine, it is plain, would subject to an arbitrary and ever-varying system of maritime police, adopted at will by the great naval power for the time being, the trade of the world, in any places or in any articles which such power might see fit to prohibit to its own subjects or citizens. A principle of this kind could scarcely be acknowledged without subjecting commerce to the risk of constant and harassing vexations.

The attempt to justify such a pretension from the right to visit and detain ships upon reasonable suspicion of piracy, would deservedly be exposed to universal condemnation, since it would be an attempt to convert an established rule of maritime law, incorporated as a principle into the international code by the consent of all nations, into a rule and principle adopted by a single nation, and enforced only by its assumed authority. To seize and detain a ship upon suspicion of piracy, with probable cause, and in good faith, affords no just ground either for complaint on the part of the nation whose flag she bears, or claim of indemnity on the part of the owner.

The universal law sanctions, and the common good requires, the exist-

once of such a rule. The right, under such circumstances, not only to visit and detain, but to search a ship, is a perfect right, and involves neither responsibility nor indemnity. But, with this single exception, no nation has, in time of peace, any authority to detain the ships of another upon the high seas, on any pretext whatever, beyond the limits of the territorial jurisdiction. And such, I am happy to find, is substantially the doctrine of Great Britain herself, in her most recent official declarations, and even in those now communicated to the house. These declarations may well lead us to doubt whether the apparent difference between the two governments is not rather one of definition than of principle. Not only is the right of *search*, properly so called, disclaimed by Great Britain, but even that of mere visit and inquiry is asserted with qualifications inconsistent with the idea of perfect right.

In the despatch of Lord Aberdeen to Mr. Everett, of the 20th of December, 1841, as also in that just received by the British minister in this country, made to Mr. Fox, his lordship declares, that if, in spite of all the precaution which shall be used to prevent such occurrences, an American ship, by reason of any visit or detention by a British cruiser, "should suffer loss and injury, it would be followed by prompt and ample remuneration;" and in order to make more manifest her intentions in this respect, Lord Aberdeen in the despatch of the 20th December, makes known to Mr. Everett the nature of the instructions given to the British cruisers. These are such, as, if faithfully observed, would enable the British government to approximate the standard of a fair indemnity. That government has, in several cases, fulfilled her promises in this particular, by making adequate reparation for damage done to our commerce. It seems obvious to remark, that a right which is only to be exercised under such restrictions, and precautions, and risk, in case of any assignable damage to be followed by the consequences of a trespass, can scarcely be considered anything more than a privilege asked for, and either conceded or withheld, on the usual principles of international comity.

The principle laid down in Lord Aberdeen's despatches, and the assurances of indemnity therein held out, although the utmost reliance was placed on the good faith of the British government, were not regarded by the executive as a sufficient security against the abuses which Lord Aberdeen admitted might arise in even the most cautious and moderate exercise of their new maritime police; and therefore, in my message at the opening of the last session, I set forth the views entertained by the executive on this subject, and substantially affirmed both our inclination and ability to enforce our own laws, protect our flag from abuse, and acquit ourselves of all our duties and obligations on the high seas. In view of these assertions, the treaty of Washington was negotiated, and, upon consultation with the British negotiator as to the quantum of force necessary to be employed in order to attain these objects, the result to which the most deliberate estimate led, was embodied in the eighth article of the treaty.

Such were my views at the time of negotiating that treaty, and such, in my opinion, is its plain and fair interpretation. I regarded the eighth article as removing all possible pretext, on the ground of mere necessity, to visit and detain our ships upon the African coast, because of any alleged abuse of our flag by slave-traders of other nations. We had taken upon ourselves the burden of preventing any such abuse, by stipulating to furnish an armed force, regarded by both the high contracting parties as sufficient to accomplish that object.

Denying, as we did, and do, all color of right to exercise any such general police over the flags of independent nations, we did not demand of Great Britain any formal renunciation of her pretension; still less had we the idea of yielding anything ourselves in that respect. We chose to make a practical settlement of the question. This we owed to what we had already done upon this subject. The honor of the country called for it; the honor of its flag demanded that it should not be used by others, to cover an iniquitous traffic. This government, I am very sure, has both the inclination and the ability to do this; and, if need be, it will not content itself with a fleet of eighty guns, but, sooner than any foreign government shall exercise the province of executing its laws and fulfilling its obligations, the highest of which is to protect its flag alike from abuse or insult, it would, I doubt not, put in requisition for that purpose, its whole naval force. The purpose of this government is faithfully to fulfil the treaty on its part, and it will not permit itself to doubt that Great Britain will comply with it on hers. In this way, peace will best be preserved, and the most amicable relations maintained between the two countries.

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### SPECIAL MESSAGE.

FEBRUARY 27, 1843.

*To the House of Representatives of the United States:—*

I TRANSMIT to Congress sundry letters which have passed between the department of state and Chevalier d'Arguiz, envoy extraordinary and minister plenipotentiary of Spain, near the government of the United States, on the subject of the schooner "Amistad," since the last communication of papers connected with that case. This correspondence will show the general grounds on which the Spanish minister expresses dissatisfaction with the decision of the supreme court in that case, and the answers which have been made to his complaints by the department of state.

In laying these papers before Congress, I think it proper to observe, that the allowance of salvage on the cargo does not appear to have been a subject of discussion in the supreme court. Salvage had been denied in the court below, and from that part of the decree no appeal had been claimed.

The ninth article of the treaty between the United States and Spain, provides that "all ships and merchandise, of what nature soever, which shall be rescued out of the hands of any pirates or robbers, on the high seas, shall be brought into some port of either state, and shall be delivered to the custody of the officers of that port, in order to be taken care of, and restored entire to the true proprietor, as soon as due and sufficient proof shall be made, concerning the property thereof." The case of the "Amistad," as was decided by the court, was not a case of piracy, and therefore not within the terms of the treaty; yet it was a case in which the authority of the master, officers, and crew, of the vessel, had been divested by force, and in that condition the vessel, having been found on the coast, was brought into a port of the United States; and it may deserve consideration, that the salvors in this case were the officers and seamen of a public ship.

It is left to Congress to consider, under these circumstances, whether,

although in strictness salvage may have been lawfully due, it might not yet be wise to make provision to refund it, as a proof of the entire good faith of the government, and of its disposition to fulfil all its treaty stipulations, to their full extent, under a fair and liberal construction.

### THIRD ANNUAL MESSAGE.

DECEMBER 5, 1843.

*To the Senate and House of Representatives of the United States :—*

If any people ever had cause to render up thanks to the Supreme Being for parental care and protection extended to them in all the trials and difficulties to which they have been from time to time exposed, we certainly are that people. From the first settlement of our forefathers on this continent—through the dangers attendant upon the occupation of a savage wilderness—through a long period of colonial dependence—through the war of the revolution—in the wisdom which led to the adoption of the existing forms of republican government—in the hazards incident to a war subsequently waged with one of the most powerful nations of the earth—in the increase of our population—in the spread of the arts and sciences, and in the strength and durability conferred on political institutions emanating from the people, and sustained by their will—the superintendence of an overruling Providence has been plainly visible. As preparatory, therefore, to entering once more upon the high duties of legislation, it becomes us humbly to acknowledge our dependence upon him as our guide and protector, and to implore a continuance of his parental watchfulness over our beloved country. We have new cause for the expression of our gratitude in the preservation of the health of our fellow-citizens, with some partial and local exceptions, during the past season—for the abundance with which the earth has yielded up its fruits to the labors of the husbandman—for the renewed activity which has been imparted to commerce—for the revival of trade in all its departments—for the increased rewards attendant on the exercise of the mechanic arts—for the continued growth of our population, and the rapidly-reviving prosperity of the whole country. I shall be permitted to exchange congratulations with you, gentlemen of the two houses of Congress, on these auspicious circumstances, and to assure you, in advance, of my ready disposition to concur with you in the adoption of all such measures as shall be calculated to increase the happiness of our constituents, and to advance the glory of our common country.

Since the last adjournment of Congress, the executive has relaxed no effort to render indestructible the relations of amity which so happily exist between the United States and other countries. The treaty lately concluded with Great Britain has tended greatly to increase the good understanding which a reciprocity of interests is calculated to encourage, and it is most ardently to be hoped that nothing may transpire to interrupt the relations of amity which it is so obviously the policy of both nations to cultivate.

A question of much importance still remains to be adjusted between them. The territorial limits of the two countries, in relation to what is

commonly known as the Oregon territory, still remain in dispute. The United States would be at all times indisposed to aggrandize themselves at the expense of any other nation; but, while they would be restrained by principles of honor, which should govern the conduct of nations as well as that of individuals, from setting up a demand for territory which does not belong to them, they would as unwillingly consent to a surrender of their rights. After the most rigid, and, as far as practicable, unbiased examination of the subject, the United States have always contended that their rights appertain to the entire region of country lying on the Pacific, and embraced within 42° and 54° 40' of north latitude. This claim being controverted by Great Britain, those who have preceded the present executive—actuated, no doubt, by an earnest desire to adjust the matter upon terms mutually satisfactory to both countries—have caused to be submitted to the British government propositions for settlement and final adjustment; which, however, have not proved heretofore acceptable to it. Our minister at London has, under instructions, again brought the subject to the consideration of that government; and, while nothing will be done to compromise the rights or honor of the United States, every proper expedient will be resorted to in order to bring the negotiation, now in the progress of resumption, to a speedy and happy termination. In the meantime, it is proper to remark, that many of our citizens are either already established in the territory, or are on their way thither, for the purpose of forming permanent settlements, while others are preparing to follow; and, in view of these facts, I must repeat the recommendation contained in previous messages, for the establishment of military posts at such places on the line of travel as will furnish security and protection to our hardy adventurers against hostile tribes of Indians inhabiting those extensive regions. Our laws should also follow them, so modified as the circumstances of the case may seem to require. Under the influence of our free system of government, new republics are destined to spring up, at no distant day, on the shores of the Pacific, similar in policy and in feeling to those existing on this side of the Rocky mountains, and giving a wider and more extensive spread to the principles of civil and religious liberty.

I am happy to inform you that the cases which have from time to time arisen, of the detention of American vessels by British cruisers on the coast of Africa, under pretence of being engaged in the slave-trade, have been placed in a fair train of adjustment. In the case of the "William and Francis," full satisfaction will be allowed. In the cases of the "Tygris and Seamew," the British government admits that satisfaction is due. In the case of the "Jones," the sum accruing from the sale of that vessel and cargo will be paid to the owners, while I can not but flatter myself that full indemnification will be allowed for all damages sustained by the detention of the vessel; and in the case of the "Douglass," her majesty's government has expressed its determination to make indemnification. Strong hopes are therefore entertained that most, if not all of these cases, will be speedily adjusted. No new cases have arisen since the ratification of the treaty of Washington; and it is confidently anticipated that the slave-trade, under the operation of the eighth article of that treaty, will be altogether suppressed.

The occasional interruption experienced by our fellow-citizens engaged in the fisheries on the neighboring coast of Nova Scotia, has not failed to claim the attention of the executive. Representations upon this subject

have been made; but, as yet, no definite answer to those representations has been received from the British government.

Two other subjects of comparatively minor importance, but nevertheless of too much consequence to be neglected, remain still to be adjusted between the two countries. By the treaty between the United States and Great Britain, of July, 1815, it is provided that no higher duties shall be levied in either country on articles imported from the other, than on the same articles imported from any other place. In 1836, rough rice, by act of parliament, was admitted from the coast of Africa into Great Britain on the payment of a duty of one penny a quarter; while the same article from all other countries, including the United States, was subjected to the payment of a duty of twenty shillings a quarter. Our minister at London has from time to time brought this subject to the attention of the British government, but, so far, without success. He is instructed to renew his representations upon it.

Some years since, a claim was preferred against the British government, on the part of certain American merchants, for the return of export duties paid by them on shipments of woollen goods to the United States, after the duty on similar articles exported to other countries had been repealed, and consequently in contravention of the commercial convention between the two nations securing to us equality in such cases. The principle on which the claim rests has long since been virtually admitted by Great Britain; but obstacles to a settlement have from time to time been interposed, so that a large portion of the amount claimed has not yet been refunded. Our minister is now engaged in the prosecution of the claim, and I can not but persuade myself that the British government will no longer delay its adjustment.

I am happy to be able to say, that nothing has occurred to disturb in any degree the relations of amity which exist between the United States and France, Austria, and Russia, as well as with the other powers of Europe, since the adjournment of Congress. Spain has been agitated with internal convulsions for many years, from the effects of which, it is hoped, she is destined speedily to recover; when, under a more liberal system of commercial policy on her part, our trade with her may again fill its old and (so far as her continental possessions are concerned) its almost forsaken channels—thereby adding to the mutual prosperity of the two countries.

The Germanic association of customs and commerce, which, since its establishment in 1833, has been steadily growing in power and importance, and consists at this time of more than twenty German states, and embraces a population of twenty-seven millions of people united for all the purposes of commercial intercourse with each other and with foreign states, offers to the latter the most valuable exchanges on principles more liberal than are offered in the fiscal system of any other European power. From its origin, the importance of the German union has never been lost sight of by the United States. The industry, morality, and other valuable qualities of the German nation, have always been well known and appreciated. On this subject I invite the attention of Congress to the report of the secretary of state, from which it will be seen that, while our cotton is admitted free of duty, and the duty on rice has been much reduced (which has already led to a greatly-increased consumption), a strong disposition has been recently evinced by that great body to reduce, upon certain conditions, their present duty upon tobacco. This being the first intimation



of a concession on this interesting subject ever made by any European power, I can not but regard it as well calculated to remove the only impediment which has so far existed to the most liberal commercial intercourse between us and them. In this view, our minister at Berlin, who has heretofore industriously pursued the subject, has been instructed to enter upon the negotiation of a commercial treaty, which, while it will open new advantages to the agricultural interests of the United States, and a more free and expanded field for commercial operations, will affect injuriously no existing interest of the Union. Should the negotiation be crowned with success, its results will be communicated to both houses of Congress.

I communicate herewith certain despatches received from our minister at Mexico, and also a correspondence which has recently occurred between the envoy from that republic and the secretary of state. It must be regarded as not a little extraordinary, that the government of Mexico, in anticipation of a public discussion (which it has been pleased to infer, from newspaper publications, as likely to take place in Congress, relating to the annexation of Texas to the United States), should so far have anticipated the result of such discussion, as to have announced its determination to visit any such anticipated decision by a formal declaration of war against the United States. If designed to prevent Congress from introducing that question as a fit subject for its calm deliberation and final judgment, the executive has no reason to doubt that it will entirely fail of its object. The representatives of a brave and patriotic people will suffer no apprehension of future consequences to embarrass them in the course of their proposed deliberations. Nor will the executive department of the government fail, for any such cause, to discharge its whole duty to the country.

The war which has existed for so long a time between Mexico and Texas has, since the battle of San Jacinto, consisted, for the most part, of predatory incursions, which, while they have been attended with much of suffering to individuals, and have kept the borders of the two countries in a state of constant alarm, have failed to approach to any definitive result. Mexico has fitted out no formidable armament, by land or by sea, for the subjugation of Texas. Eight years have now elapsed since Texas declared her independence of Mexico; and, during that time, she has been recognised as a sovereign power by several of the principal civilized states. Mexico, nevertheless, perseveres in her plans of reconquest, and refuses to recognise her independence. The predatory incursions to which I have alluded have been attended, in one instance, with the breaking up of the courts of justice, by the seizing upon the persons of the judges, jury, and officers of the court, and dragging them along with unarmed, and therefore non-combatant citizens, into a cruel and oppressive bondage; thus leaving crime to go unpunished, and immorality to pass unproved. A border warfare is evermore to be deprecated; and over such a war as has existed for so many years between these two states, humanity has had great cause to lament. Nor is such a condition of things to be deplored only because of the individual suffering attendant upon it. The effects are far more extensive. The Creator of the universe has given man the earth for his resting-place, and its fruits for his subsistence. Whatever, therefore, shall make the first, or any part of it, a scene of desolation, affects injuriously his heritage, and may be regarded as a general calamity. Wars may sometimes be necessary; but

all nations have a common interest in bringing them speedily to a close. The United States have an immediate interest in seeing an end put to the state of hostilities existing between Mexico and Texas. They are our neighbors of the same continent, with whom we are not only desirous of cultivating the relations of amity, but of the most extended commercial intercourse, and to practise all the rites of a neighborhood hospitality. Our own interests are involved in the matter; since, however neutral may be our course of policy, we can not hope to escape the effects of a spirit of jealousy on the part of both of the powers. Nor can this government be indifferent to the fact, that a warfare such as is waged between those two nations is calculated to weaken both powers, and finally to render them—and especially the weaker of the two—the subjects of interference on the part of stronger and more powerful nations; which, intent only on advancing their own peculiar views, may sooner or later attempt to bring about a compliance with terms, as the condition of their interposition, alike derogatory to the nation granting them, and detrimental to the interests of the United States. We could not be expected quietly to permit any such interference to our disadvantage. Considering that Texas is separated from the United States by a mere geographical line—that her territory, in the opinion of many, down to a late period, formed a portion of the territory of the United States—that it is homogeneous in its population and pursuits with the adjoining states, and makes contributions to the commerce of the world in the same articles with them—and that most of her inhabitants have been citizens of the United States, speak the same language, and live under similar political institutions with ourselves—this government is bound by every consideration of interest, as well as of sympathy, to see that she shall be left free to act, especially in regard to her domestic affairs, unawed by force, and unrestrained by the policy or views of other countries. In full view of all these considerations, the executive has not hesitated to express to the government of Mexico how deeply it deprecated a continuance of the war, and how anxiously it desired to witness its termination. I can not but think that it becomes the United States, as the oldest of the American republics, to hold a language to Mexico upon this subject of an unambiguous character. It is time that this war had ceased. There must be a limit to all wars; and if the parent state, after an eight years' struggle, has failed to reduce to submission a portion of its subjects standing out in revolt against it, and who have not only proclaimed themselves to be independent, but have been recognised as such by other powers, she ought not to expect that other nations will quietly look, to their obvious injury, upon a protraction of hostilities. These United States threw off their colonial dependence, and established independent governments; and Great Britain, after having wasted her energies in the attempt to subdue them for a less period than Mexico has attempted to subjugate Texas, had the wisdom and justice to acknowledge their independence; thereby recognising the obligation which rested on her as one of the family of nations. An example thus set by one of the proudest as well as most powerful nations of the earth, it could in no way disparage Mexico to imitate. While, therefore, the executive would deplore any collision with Mexico, or any disturbance of the friendly relations which exist between the two countries, it can not permit that government to control its policy, whatever it may be, toward Texas; but will treat her—as, by the recognition of her independence, the United States have long since declared they would do—as entirely

independent of Mexico. The high obligations of public duty may enforce from the constituted authorities of the United States a policy which the course persevered in by Mexico will have mainly contributed to produce; and the executive, in such a contingency, will, with confidence, throw itself upon the patriotism of the people to sustain the government in its course of action.

Measures of an unusual character have recently been adopted by the Mexican government, calculated in no small degree to affect the trade of other nations with Mexico, and to operate injuriously to the United States. All foreigners, by a decree of the 23d day of September, and after six months from the day of its promulgation, are forbidden to carry on the business of selling by retail any goods within the confines of Mexico. Against this decree our minister has not failed to remonstrate.

The trade heretofore carried on by our citizens with Santa Fé, in which much capital was already invested, and which was becoming of daily increasing importance, has suddenly been arrested by a decree of virtual prohibition on the part of the Mexican government. Whatever may be the right of Mexico to prohibit any particular course of trade to the citizens or subjects of foreign powers, this late procedure, to say the least of it, wears a harsh and unfriendly aspect.

The instalments on the claims recently settled by the convention with Mexico have been punctually paid as they have fallen due, and our minister is engaged in urging the establishment of a new commission, in pursuance of the convention for the settlement of unadjusted claims.

With the other American states our relations of amity and good-will have remained uninterrupted. Our minister near the republic of New Grenada has succeeded in effecting an adjustment of the claim upon that government for the schooner "By Chance," which had been pending for many years. The claim for the brig "Morris," which had its origin during the existence of the republic of Colombia, and indemnification for which, since the dissolution of that republic, has devolved upon its several members, will be urged with renewed zeal.

I have much pleasure in saying that the government of Brazil has adjusted the claim upon that government in the case of the schooner "John S. Bryan," and that sanguine hopes are entertained that the same spirit of justice will influence its councils in arriving at an early decision upon the remaining claims; thereby removing all cause of dissension between two powers whose interests are, to some extent, interwoven with each other.

Our minister at Chili has succeeded in inducing a recognition by that government of the adjustment, effected by his predecessor, of the first claim in the case of the "Macedonian." The first instalment has been received by the claimants in the United States.

Notice of the exchange of ratifications of the treaty with Peru, which will take place at Lima, has not yet reached this country, but is shortly expected to be received, when the claims upon that republic will doubtless be liquidated and paid.

In consequence of a misunderstanding between this government and that of Buenos Ayres, occurring several years ago, this government has remained unrepresented at that court, while a minister from it has been constantly resident here. The causes of irritation have, in a great measure, passed away; and it is in contemplation, in view of important interests which have grown up in that country, at some early period during the

present session of Congress, with the concurrence of the senate to restore diplomatic relations between the two countries.

Under the provisions of an act of Congress of the last session, a minister was despatched from the United States to China, in August of the present year; who, from the latest accounts we have from him, was at Suez, in Egypt, on the 25th of September last, on his route to China.

In regard to the Indian tribes residing within our jurisdictional limits, the greatest vigilance of the government has been exerted, to preserve them at peace among themselves, and to inspire them with feelings of confidence in the justice of this government, and to cultivate friendship with the border inhabitants. This has happily succeeded to a great extent; but it is a subject of regret, that they suffer themselves, in some instances, to be imposed upon by artful and designing men; and this notwithstanding all efforts of the government to prevent it.

The receipts into the treasury for the calendar year 1843, exclusive of loans, were little more than eighteen millions of dollars; and the expenditures, exclusive of the payments on the public debt, will have been about twenty-three millions of dollars. By the act of 1842, a new arrangement of the fiscal year was made, so that it should commence on the first day of July in each year. The accounts and estimates for the current fiscal year, will show that the loans and treasury-notes made and issued before the close of the last Congress, to meet the anticipated deficiency, have not been entirely adequate. Although, on the 1st of October last, there was a balance in the treasury, in consequence of the provisions thus made, of three millions, nine hundred and fourteen thousand, eighty-two dollars, and seventy-seven cents, yet the appropriations already made by Congress will absorb that balance, and leave a probable deficiency of two millions of dollars, at the close of the present fiscal year. There are outstanding treasury-notes to about the amount of four millions, six hundred thousand dollars; and should they be returned upon the treasury during the fiscal year, they will require provision for their redemption. I do not, however, regard this as probable, since they have obviously entered into the currency of the country, and will continue to form a portion of it, if the system now adopted be continued. The loan of 1841, amounting to five millions, six hundred and seventy-two thousand, nine hundred and seventy-six dollars, and eighty-eight cents, falls due on the 1st of January, 1845, and must be provided for, or postponed by a new loan. And, unless the resources of revenue should be materially increased by you, there will be a probable deficiency for the service of the fiscal year ending June 30th, 1845, of upward of four millions of dollars.

The delusion incident to an enormously excessive paper circulation, which gave a fictitious value to everything, and stimulated adventure and speculation to an extravagant extent, has been, happily, succeeded by the substitution of the precious metals, and paper promptly redeemable in specie; and thus false values have disappeared, and a sounder condition of things has been introduced. This transition, although intimately connected with the prosperity of the country, has nevertheless been attended with much embarrassment to the government, in its financial concerns. So long as the foreign importers could receive payment for their cargoes, in a currency of greatly less value than that in Europe, but fully available here in the purchase of our agricultural productions (their profits being immeasurably augmented by the operation), the shipments were large, and the revenues of the government became superabundant. But the change

in the character of the circulation, from a nominal, and apparently real value, in the first stage of its existence, to an obviously depreciated value in its second, so that it no longer answered the purposes of exchange or barter, and its ultimate substitution by a sound metallic and paper circulation combined, has been attended by diminished importations, and a consequent falling off in the revenue. This has induced Congress, from 1837, to resort to the expedient of issuing treasury-notes; and finally, of funding them, in order to supply deficiencies. I can not, however, withhold the remark, that it is in no way compatible with the dignity of the government, that a public debt should be created in time of peace, to meet the current expenses of the government, or that temporary expedients should be resorted to an hour longer than it is possible to avoid them. The executive can do no more than apply the means which Congress places in its hands for the support of government; and happily for the good of the country, and for the preservation of its liberties, it possesses no power to levy exactions on the people, or to force from them contributions to the public revenue, in any form. It can only recommend such measures as may, in its opinion, be called for by the wants of the public service, to Congress, with whom alone rests the power to "lay and collect taxes, duties, imposts and excises." This duty has, upon several occasions heretofore, been performed. The present condition of things gives flattering promise that trade and commerce are rapidly reviving; and, fortunately for the country, the sources of revenue have only to be opened, in order to prove abundant.

While we can anticipate no considerable increase in the proceeds of the sales of the public lands, for reasons perfectly obvious to all, for several years to come, yet the public lands can not otherwise than be regarded as the foundation of the public credit. With so large a body of the most fertile lands in the world, under the control and at the disposal of this government, no one can reasonably doubt its entire ability to meet its engagements under every emergency. In seasons of trial and difficulty, similar to those through which we are passing, the capitalist makes his investments in the government stocks, with the most assured confidence of ultimate reimbursement; and whatever may be said of a period of great financial prosperity, such as existed for some years after 1833, I should regard it as suicidal, in a season of financial embarrassment, to alienate either the lands themselves, or the proceeds arising from their sales. The first and paramount duty of those to whom may be intrusted the administration of public affairs, is to guard the public credit. In re-establishing the credit of this central government, the readiest and most obvious mode is taken to restore the credit of the states. The extremities can only be made sound by producing a healthy action in the central government; and the history of the present day fully establishes the fact, that an increase in the value of the stocks of this government, will, in a great majority of instances, be attended by an increase in the value of the stocks of the states. It should, therefore, be a matter of general congratulation, that amid all the embarrassments arising from surrounding circumstances, the credit of the government should have been so fully restored that it has been enabled to effect a loan of seven millions of dollars, to redeem that amount of treasury-notes, on terms more favorable than any that have been offered for many years. And the six per cent. stock which was created in 1842, has advanced in the hands of the holders to nearly twenty per cent. above its par value. The confidence of the people in

the integrity of their government has thus been signally manifested. These opinions relative to the public lands, do not, in any manner, conflict with the observance of the most liberal policy toward those of our fellow-citizens who press forward into the wilderness, and are the pioneers in the work of its reclamation. In securing to all such their rights of pre-emption, the government performs but an act of retributive justice, for sufferings encountered and hardships endured, and finds ample remuneration in the comforts which its policy insures, and the happiness which it imparts.

Should a revision of the tariff, with a view to revenue, become necessary in the estimation of Congress, I doubt not you will approach the subject with a just and enlightened regard to the interests of the whole Union. The principles and views which I have heretofore had occasion to submit, remain unchanged. It can, however, never be too often repeated, that the prominent interest of every important pursuit of life requires, for success, permanency and stability in legislation. These can only be attained by adopting, as the basis of action, moderation in all things; which is as indispensably necessary to secure the harmonious action of the political as of the animal system. In our political organization, no one section of the country should desire to have its supposed interests advanced at the sacrifice of all others; but union being the great interest, equally precious to all, should be fostered and sustained by mutual concessions, and the cultivation of that spirit of compromise from which the constitution itself proceeded.

You will be informed, by the report from the treasury department, of the measures taken under the act of the last session authorizing the re-issue of treasury-notes in lieu of those then outstanding. The system adopted, in pursuance of existing laws, seems well calculated to save the country a large amount of interest, while it affords conveniences, and obviates dangers and expense in the transmission of funds to disbursing agents. I refer you, also, to that report, for the means proposed by the secretary to increase the revenue, and particularly to that portion of it which relates to the subject of the warehousing system, which I earnestly urged upon Congress at its last session, and as to the importance of which my opinion has undergone no change.

In view of the disordered condition of the currency at the time, and the high rates of exchange between different parts of the country, I felt it to be incumbent on me to present to the consideration of your predecessors a proposition, conflicting in no degree with the constitution or with the rights of the states, and having the sanction (not in detail, but in principle) of some of the eminent men who have preceded me in the executive office. That proposition contemplated the issuing of treasury-notes of denominations of not less than five nor more than one hundred dollars, to be employed in the payment of the obligations of the government in lieu of gold and silver, at the option of the public creditor, and to an amount not exceeding fifteen millions of dollars. It was proposed to make them receivable everywhere, and to establish at various points depositories of gold and silver, to be held in trust for the redemption of such notes, so as to insure their convertibility into specie. No doubt was entertained that such notes would have maintained a par value with gold and silver—thus furnishing a paper currency of equal value over the Union, thereby meeting the just expectations of the people, and fulfilling the duties of a parental government. Whether the depositories should be permitted to sell or pur-

chase bills, under very limited restrictions, together with all its other details, was submitted to the wisdom of Congress, and was regarded as of secondary importance. I thought then, and think now, that such an arrangement would have been attended with the happiest results. The whole matter of the currency would have been placed where, by the constitution, it was designed to be placed—under the immediate supervision and control of Congress. The action of the government would have been independent of all corporations, and the same eye which rests unceasingly on the specie currency, and guards it against adulteration, would also have rested on the paper currency, to control and regulate its issues, and protect it against depreciation. The same reasons which would forbid Congress from parting with the power over the coinage, would seem to operate with nearly equal force in regard to any substitution for the precious metals in the form of a circulating medium. Paper, when substituted for specie, constitutes a standard of value by which the operations of society are regulated; and whatsoever causes its depreciation, affects society to an extent nearly, if not quite, equal to the adulteration of the coin. Nor can I withhold the remark, that its advantages, contrasted with the bank of the United States—apart from the fact that a bank was esteemed obnoxious to the public sentiment, as well on the score of expediency as of constitutionality—appeared to me to be striking and obvious. The relief which a bank would afford by an issue of fifteen millions of dollars of its notes, judging from the experience of the late United States bank, would not have occurred in less than fifteen years; whereas, under the proposed arrangement, the relief arising from the issue of fifteen millions of dollars of treasury-notes would have been consummated in one year: thus furnishing, in one fifteenth part of the time in which a bank could have accomplished it, a paper medium of exchange, equal in amount to the real wants of the country, at par value with gold and silver. The saving to the government would have been equal to all the interest which it has had to pay on treasury-notes of previous as well as subsequent issues; thereby relieving the government, and, at the same time, affording relief to the people. Under all the responsibilities attached to the station which I occupy, and in redemption of a pledge given to the last Congress at the close of its first session, I submitted the suggestion to its consideration, at two consecutive sessions. The recommendation, however, met with no favor at its hands. While I am free to admit that the necessities of the times have since become greatly ameliorated, and that there is good reason to hope that the country is safely and rapidly emerging from the difficulties and embarrassments which everywhere surrounded it in 1841, yet I can not but think that its restoration to a sound and healthy condition would be greatly expedited by a resort to the expedient in a modified form.

The operations of the treasury now rest upon the act of 1789, and the resolution of 1816; and those laws have been so administered as to produce as great a quantum of good to the country as their provisions are capable of yielding. If there had been any distinct expression of opinion going to show that public sentiment is averse to the plan, either as heretofore recommended to Congress, or in a modified form, while my own opinion in regard to it would remain unchanged, I should be very far from again presenting it to your consideration. The government originated with the states and the people, for their own benefit and advantage; and it would be subversive of the foundation-principles of the political edifice

which they have reared, to persevere in a measure which, in their mature judgments, they had either repudiated or condemned. The will of our constituents, clearly expressed, should be regarded as the light to guide our footsteps; the true difference between a monarchical or aristocratical government and a republic being, that, in the first, the will of the few prevails over the will of the many; while, in the last, the will of the many should be alone consulted.

The report of the secretary of war will bring you acquainted with the condition of that important branch of the public service. The army may be regarded, in consequence of the small number of the rank and file in each company and regiment, as little more than a nucleus, around which to rally the military force of the country, in case of war, and yet its services in preserving the peace of the frontiers are of a most important nature. In all cases of emergency, the reliance of the country is properly placed in the militia of the several states; and it may well deserve the consideration of Congress, whether a new and more perfect organization might not be introduced, looking mainly to the volunteer companies of the Union for the present, and of easy application to the great body of the militia in time of war.

The expenditures of the war department have been considerably reduced in the last two years. Contingencies, however, may arise, which would call for the filling up of the regiments with a full complement of men, and make it very desirable to remount the corps of dragoons, which, by an act of the last Congress, was directed to be dissolved.

I refer you to the accompanying report of the secretary, for information in relation to the navy of the United States. While every effort has been, and will continue to be made, to retrench all superfluities, and lop off all excrescences which, from time to time, may have grown up, yet it has not been regarded as wise or prudent to recommend any material change in the annual appropriations. The interests which are involved are of too important a character to lead to the recommendation of any other than a liberal policy. Adequate appropriations ought to be made, to enable the executive to fit out all the ships that are now in a course of building, or that require repairs, for active service in the shortest possible time, should any emergency arise which may require it. An efficient navy, while it is the cheapest means of public defence, enlists in its support the feelings of pride and confidence which brilliant deeds and heroic valor have heretofore served to strengthen and confirm.

I refer you particularly to that part of the secretary's report which has reference to recent experiments in the application of steam, and in the construction of our war-steamers, made under the superintendence of distinguished officers of the navy. In addition to other manifest improvements in the construction of the steam-engine, and application of the motive power, which has rendered them more appropriate to the uses of ships-of-war, one of those officers has brought into use a power which makes the steamship most formidable either for attack or defence. I can not too strongly recommend this subject to your consideration, and do not hesitate to express my entire conviction of its great importance.

I call your particular attention, also, to that portion of the secretary's report which has reference to the act of the late session of Congress, which prohibited the transfer of any balance of appropriation from other heads of appropriation to that for building, equipment, and repair. The repeal of that prohibition will enable the department to give renewed em-



ployment to a large class of workmen who have been necessarily discharged, in consequence of the want of means to pay them—a circumstance attended, especially at this season of the year, with much privation and suffering.

It gives me great pain to announce to you the loss of the steamship "The Missouri," by fire, in the bay of Gibraltar, where she had stopped to renew her supplies of coal, on her voyage to Alexandria, with Mr. Cushing, the American minister to China, on board. There is ground for high commendation of the officers and men, for the coolness, and intrepidity, and perfect submission to discipline, evinced under the most trying circumstances. Surrounded by a raging fire, which the utmost exertions could not subdue, and which threatened momentarily the explosion of her well-supplied magazines, the officers exhibited no signs of fear, and the men obeyed every order with alacrity. Nor was she abandoned, until the last gleam of hope of saving her had expired. It is well worthy of your consideration, whether the losses sustained by the officers and crew, in this unfortunate affair, should not be reimbursed to them.

I can not take leave of this painful subject, without adverting to the aid rendered upon the occasion by the British authorities at Gibraltar, and the commander, officers, and crew, of the British ship-of-the-line, "The Malabar," which was lying at the time in the bay. Everything that generosity or humanity could dictate, was promptly performed. It is by such acts of good-will by one to another of the family of nations, that fraternal feelings are nourished, and the blessings of permanent peace secured.

The report of the postmaster-general will bring you acquainted with the operations of that department during the past year, and will suggest to you such modifications of the existing laws as, in your opinion, the exigencies of the public service may require. The change which the country has undergone, of late years, in the mode of travel and transportation, has afforded so many facilities for the transmission of mail-matter out of the regular mail, as to require the greatest vigilance and circumspection in order to enable the officer at the head of the department to restrain the expenditures within the income. There is also too much reason to fear that the franking privilege has run into great abuse. The department, nevertheless, has been conducted with the greatest vigor, and has attained, at the least possible expense, all the useful objects for which it was established.

In regard to all the departments, I am quite happy in the belief that nothing has been left undone which was called for by a true spirit of economy, or by a system of accountability rigidly enforced. This is, in some degree, apparent, from the fact that the government has sustained no loss by the default of any of its agents. In the complex, but at the same time, beautiful machinery of our system of government, it is not a matter of surprise that some remote agency may have failed, for an instant, to fulfil its desired office; but I feel confident in the assertion, that nothing has occurred to interrupt the harmonious action of the government itself; and that, while the laws have been executed with efficiency and vigor, the rights neither of states nor of individuals have been trampled on or disregarded.

In the meantime, the country has been steadily advancing in all that contributes to national greatness. The tide of population continues unbrokenly to flow into the new states and territories, where a refuge is found, not only for our native-born fellow-citizens, but for emigrants from all parts of the civilized world, who come among us to partake of the

blessings of our free institutions, and to aid by their labor to swell the current of our wealth and power.

It is due to every consideration of public policy that the lakes and rivers of the west should receive all such attention at the hands of Congress as the constitution will enable it to bestow. Works in favorable and proper situations on the lakes would be found to be as indispensably necessary, in case of war, to carry on safe and successful naval operations, as fortifications on the Atlantic seaboard. The appropriation made by the last Congress for the improvement of the navigation of the Mississippi river, has been diligently and efficiently applied.

I can not close this communication, gentlemen, without recommending to your most favorable consideration the interests of this district. Appointed by the constitution its exclusive legislators, and forming, in this particular the only anomaly in our system of government—that of the legislative body being elected by others than those for whose advantage they are to legislate—you will feel a superadded obligation to look well into their condition, and to leave no cause for complaint or regret. The seat of government of our associated republics can not but be regarded as worthy of your parental care.

In connexion with its other interests, as well as those of the whole country, I recommend that, at your present session, you adopt such measures, in order to carry into effect the Smithsonian bequest, as in your judgment will be best calculated to consummate the liberal intent of the testator.

When, under a dispensation of Divine Providence, I succeeded to the presidential office, the state of public affairs was embarrassing and critical. To add to the irritation consequent upon a long-standing controversy with one of the most powerful nations of modern times, involving not only questions of boundary (which, under the most favorable circumstances, are always embarrassing), but, at the same time, important and high principles of maritime law, border controversies between the citizens and subjects of the two countries had engendered a state of feeling and of conduct, which threatened the most calamitous consequences. The hazards incident to this state of things were greatly heightened by the arrest and imprisonment of a subject of Great Britain, who, acting (as it was alleged) as a part of a military force, had aided in the commission of an act violative of the territorial jurisdiction of the United States, and involving the murder of a citizen of the state of New York. A large amount of claims against the government of Mexico remained unadjusted, and a war of several years' continuance with the savage tribes of Florida still prevailed, attended with the desolation of a large portion of that beautiful territory, and with the sacrifice of many valuable lives. To increase the embarrassments of the government, individual and state credit had been nearly stricken down, and confidence in the general government was so much impaired, that loans of a small amount could only be negotiated at a considerable sacrifice. As a necessary consequence of the blight which had fallen on commerce and mechanical industry, the ships of the one were thrown out of employment, and the operations of the other had been greatly diminished. Owing to the condition of the currency, exchanges between different parts of the country had become ruinously high, and trade had to depend on a depreciated paper currency in conducting its transactions. I shall be permitted to congratulate the country that, under an overruling Providence, peace was preserved without a sacrifice of the

national honor; the war in Florida was brought to a speedy termination; a large portion of the claims on Mexico have been fully adjudicated, and are in a course of payment, while justice has been rendered to us in other matters by other nations; confidence between man and man is in a great measure restored, and the credit of this government fully and perfectly re-established. Commerce is becoming more and more extended in its operations, and manufacturing and mechanical industry once more reaps the rewards of skill and labor honestly applied. The operations of trade rest on a sound currency, and the rates of exchange are reduced to their lowest amount. In this condition of things, I have felt it to be my duty to bring to your favorable consideration matters of great interest, in their present and ultimate results; and the only desire which I feel in connexion with the future is, and will continue to be, to leave the country prosperous, and its institutions unimpaired.

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### SPECIAL MESSAGE.

DECEMBER 16, 1843.

*To the House of Representatives of the United States :—*

THE two houses of Congress, at their last session, passed a joint resolution, which originated in the house of representatives, presenting the thanks of Congress to Samuel T. Washington, for the service-sword of George Washington, and the staff of Benjamin Franklin, presented by him to Congress. This resolution (in consequence, doubtless, of a merely accidental omission) did not reach me until after the adjournment of Congress, and therefore did not receive my approval and signature, which it would otherwise promptly have received. I nevertheless felt myself at liberty, and deemed it entirely proper, to communicate a copy of the resolution to Mr. Washington, as is manifested by the accompanying copy of the letter which I addressed to him. The joint resolution, together with a copy of the letter, is deposited in the department of state, and can be withdrawn and communicated to the house, if it see cause to require them.

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### SPECIAL MESSAGE.

DECEMBER 18, 1843.

*To the House of Representatives of the United States :—*

I RECEIVED, within a few hours of the adjournment of the last Congress, a resolution, "directing payment of the certificates or awards issued by the commissioners, under the treaty with the Cherokee Indians." Its provisions involved principles of great importance, in reference to which, it required more time to obtain the necessary information than was allowed.

The balance of the fund provided by Congress for satisfying claims under the seventeenth article of the Cherokee treaty, referred to in the resolution, is wholly insufficient to meet the claims still pending. To direct the payment, therefore, of the whole amount of those claims which

happened to be first adjudicated, would prevent a ratable distribution of the fund among those equally entitled to its benefits. Such a violation of the individual rights of the claimants, would impose upon the government the obligation of making further appropriations to indemnify them; and thus Congress would be obliged to enlarge a provision liberal and equitable, which it had made for the satisfaction of all the demands of the Cherokees. I was unwilling to sanction a measure which would thus indirectly overturn the adjustment of our differences with the Cherokees, accomplished with so much difficulty, and to which time is reconciling those Indians.

If no such indemnity should be provided, then a palpable and very gross wrong would be inflicted upon the claimants who had not been so fortunate as to have their claims taken up in preference to others. Besides, the fund, having been appropriated by law to a specific purpose, in fulfilment of the treaty, it belongs to the Cherokees, and the authority of this government to direct its application to particular claims, is more than questionable.

The direction in the joint resolution, therefore, to pay the awards of the commissioners, to the amount of one hundred thousand dollars, seems to me quite objectionable and could not be approved.

The further direction, that the certificates required to be issued by the treaty, and in conformity with the practice of the board heretofore, shall be proper and sufficient vouchers, upon which payments shall be made at the treasury, is a departure from the system established soon after the adoption of the constitution, and maintained ever since. That system requires that payments, under the authority of any department, shall be made upon its requisition, countersigned by the proper auditor and comptroller. The greatest irregularity would ensue from the mode of payment prescribed by the resolution.

I have deemed it respectful and proper to lay before the house of representatives these reasons for having withheld my approval of the above-mentioned joint resolution.

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## SPECIAL MESSAGE.

JANUARY 16, 1844.

*To the House of Representatives of the United States:—*

IN answer to the resolution of the house of representatives, of the 10th instant, requesting the president to communicate to that body "copies of all correspondence with any foreign government, relative to the title, boundary, discovery, and settlement, of the territory of Oregon," I have to state, that the information called for by the house has been already, from time to time, transmitted to Congress, with the exception of such correspondence as has been held within the last few months, between the department of state and our minister at London; that there is a prospect of opening a negotiation on the subject of the northwestern boundary of the United States, immediately after the arrival at Washington of the newly-appointed British minister, now daily expected; and that, under existing circumstances, it is deemed expedient, with a view to the public interest, to furnish a copy of the correspondence abovementioned.

## SPECIAL MESSAGE.

FEBRUARY 23, 1844.

*To the House of Representatives of the United States :—*

I TRANSMIT, herewith, a communication from the secretary of the navy, to which I invite the particular attention of Congress. The act, entitled, "An act to authorize the president of the United States to direct transfers of appropriation in the naval service, under certain circumstances," has this day met with my approval, under no expectation that it can be rendered available to the present wants of the service, but as containing an exposition of the views of Congress, as to the entire policy of transfers from one head of appropriation to any other in the naval service, and as a guide to the executive, in the administration of the duties of the department. The restrictions laid upon the power to transfer, by the latter clauses of the act, have rendered its passage of no avail at the present moment.

It will, however, be perceived, by the document accompanying the report of the secretary, that there has been realized by recent sales of old iron, copper, and other materials, the sum of one hundred and sixteen thousand, nine hundred and twenty-two dollars, and seventy-nine cents. These sales were ordered for the express purpose of enabling the executive to complete certain ships now on the stocks, the completion of which is called for by the economical wants of the service; and the doubt existing as to the power of the government to apply this sum to the objects contemplated, proceeds from the fact, that the late secretary of the navy directed them to be placed in the treasury, although, in so doing, he had no intention of diverting them from their intended head of expenditure. The secretary of the treasury, however, has brought himself to the opinion, that they could only be entered under the head of miscellaneous receipts, and therefore can only be withdrawn by authority of an express act of Congress. I would suggest the propriety of the passage of such an act, without delay.

As intimately associated with the means of public defence, I can not forbear urging upon you the importance of constructing, upon the principles which have been brought into use in the construction of the Princeton, several ships-of-war of a larger class, better fitted than that ship to the heavy armament which should be placed on board of them. The success which has so eminently crowned this first experiment, should encourage Congress to lose no time in availing the country of all the important benefits so obviously destined to flow from it. Other nations will speedily give their attention to the subject; and it would be criminal in the United States—the first to apply to practical purposes the great power which has been brought into use—to permit others to avail themselves of our improvements, while we stood listlessly and supinely by. In the number of steam vessels-of-war, we are greatly surpassed by other nations, and yet to Americans is the world indebted for that great discovery of the means of successfully applying steam-power, which has, in the last quarter century, so materially changed the condition of the world. We have now taken another, and even bolder step, the results of which upon the affairs of nations remain still to be determined; and I can not but flatter myself that it will be followed up, without loss of time, to the full extent of the public

demands. The secretary of the navy will be instructed to lay before you suitable estimates of the cost of constructing so many ships of such size and dimensions as you may think proper to order to be built.

The application of steam-power to ships-of-war, no longer confines us to the seaboard in their construction. The urgent demands of the service for the gulf of Mexico, and the substitution of iron for wood, in the construction of ships, plainly points to the establishment of a navy-yard at some suitable place on the Mississippi. The coal-fields and iron-mines of the extensive region watered by that noble river, recommend such an establishment, while high considerations of public policy would lead to the same conclusion.

One of the complaints of the western states against the actual operation of our system of government, is, that while large and increasing expenditures of public money are made on the Atlantic frontier, the expenditures in the interior are comparatively small. The time has now arrived when this cause of complaint may be, in a great measure, removed, by adopting the legitimate and necessary policy which I have indicated, thereby throwing around the states another bond of union.

I could not forego the favorable opportunity which has presented itself, growing out of the communication from the secretary of the navy, to urge upon you the foregoing recommendations.

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## SPECIAL MESSAGE.

FEBRUARY 29, 1844.

*To the Senate and House of Representatives of the United States:—*

I HAVE to perform the melancholy duty of announcing to the two houses of Congress the death of the Hon. Abel P. Upshur, late secretary of state, and the Hon. T. W. Gilmer, late secretary of the navy.

This most lamentable occurrence transpired on board the United States ship-of-war Princeton, on yesterday, at about half after four o'clock in the evening, and proceeded from the explosion of one of the large guns of that ship.

The loss which the government and the country have sustained by this deplorable event, is heightened by the death, at the same time, and by the same cause, of several distinguished persons and valuable citizens.

I shall be permitted to express my great grief at an occurrence which has thus so suddenly stricken from my side two gentlemen upon whose advice I so confidently relied, in the discharge of my arduous task of administering the office of the executive department, and whose services at this interesting period were of such vast importance.

In some relief of the public sorrow which must necessarily accompany this most painful event, it affords me much satisfaction to say, that it was produced by no carelessness or inattention on the part of the officers and crew of the Princeton, but must be set down as one of those casualties which, to a greater or less degree, attend upon every service, and which are invariably incident to the temporal affairs of mankind. I will also add, that it in no measure detracts, in my estimation, from the value of the improvement contemplated in the construction of the Princeton, or from the merits of her brave and distinguished commander and projector.

## SPECIAL MESSAGE.

MARCH 20, 1844.

*To the House of Representatives of the United States :—*

I TRANSMIT, herewith, to the house of representatives, a copy of the convention concluded on the 17th day of March, 1841, between the United States and the republic of Peru, which has been duly ratified, and of which the ratifications have been exchanged.

The communication of this treaty is now made, to the end that suitable measures may be adopted to give effect to the first article thereof, which provides for the distribution among the claimants of the sum of three hundred thousand dollars, thereby stipulated to be paid.

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## SPECIAL MESSAGE.

MARCH 26, 1844.

*To the House of Representatives of the United States :—*

I submit, for the consideration of Congress, the accompanying communication from A. Pageot, minister plenipotentiary, *ad interim*, of the king of the French, upon the subject of tonnage-duties levied on French vessels coming into ports of the United States, from the islands of St. Pierre and Miquelon, and proposing to place our commercial intercourse with those islands upon the same footing as now exists with the islands of Martinique and Gaudaloupe, as regulated by the acts of the 9th of May, 1828, and of the 13th of July, 1832. No reason is perceived for the discrimination recognised by the existing law, and none why the provisions of the acts of Congress referred to should not be extended to the commerce of the islands in question.

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## SPECIAL MESSAGE.

APRIL 9, 1844.

*To the House of Representatives of the United States :—*

IN compliance with a resolution of the house of representatives of the 23d of March last, requesting the president to lay before the house " the authority and the true copies of all requests and applications upon which he deemed it his duty to interfere with the naval and military forces of the United States, on the occasion of the recent attempt of the people of Rhode Island to establish a free constitution in the place of the old charter government of that state ; also, copies of the instructions to, and statements of, the charter commissioners sent to him by the then existing authorities of the state of Rhode Island ; also, copies of the correspondence between the executive of the United States and the charter government of the state of Rhode Island, and all the papers and documents connected with the same ; also, copies of the correspondence (if any)

between the heads of departments and said charter government, or any person or persons connected with the said government, and of any accompanying papers and documents; also, copies of all orders issued by the executive of the United States, or any of the departments, to military officers, for the movement or employment of troops to or in Rhode Island; also, copies of all orders to naval officers to prepare steam or other vessels of the United States for service in the waters of Rhode Island; also, copies of all orders to the officers of the revenue-cutters for the said service; also, copies of any instructions borne by the secretary of war to Rhode Island, on his visit, in 1842, to review the troops of the charter government; also, copies of any order or orders to any officer or officers of the army or navy to report themselves to the charter government; and that he be requested to lay before this house copies of any other papers or documents in the possession of the executive, connected with this subject, not above specifically enumerated," I have to inform the house that the executive did not deem it his "duty to interfere with the naval and military forces of the United States," in the late disturbances in Rhode Island; that no orders were issued by the executive, or any of the departments, to military officers, for the movement or employment of troops to or in Rhode Island, other than those which accompany this message, and which contemplated the strengthening of the garrison at Fort Adams, which, considering the extent of the agitation in Rhode Island, was esteemed necessary and judicious; that no orders were issued to naval officers to prepare steam or other vessels of the United States for service in the waters of Rhode Island; that no orders were issued "to the officers of the revenue-cutters for said service;" that no instructions were borne by the secretary of war to Rhode Island, on his visit, in 1842, to review the troops of the charter government; and that no orders were given to any officer or officers of the army or navy to report themselves to the charter government. "Requests and applications" were made to the executive to fulfil the guarantees of the constitution, which impose on the federal government the obligation to protect and defend each state of the Union against "domestic violence and foreign invasion;" but the executive was at no time convinced that the *casus fœderis* had arisen which required the interposition of the military or naval power in the controversy which unhappily existed between the people of Rhode Island. I was in no manner prevented from so interfering by the inquiry whether Rhode Island existed as an independent state of the Union under a charter granted at an early period by the crown of Great Britain, or not. It was enough for the executive to know that she was recognised as a sovereign state by Great Britain, by the treaty of 1783; that, at a later day, she had, in common with her sister states, poured out her blood, and freely expended her treasure, in the war of the revolution; that she was a party to the articles of confederation; that at an after period she adopted the constitution of the United States as a free, independent, and republican state; and that in that character she has always possessed her full quota of representation in the senate and house of representatives; and that, up to a recent day, she has conducted all her domestic affairs, and fulfilled all her obligations as a member of the Union, in peace and war, under her *charter government*, as it is denominated by the resolution of the house of the 23d of March.

I must be permitted to disclaim entirely and unqualifiedly, the right on the part of the executive to make any real or supposed defects existing in any state constitution or form of government, the pretext for a failure to



enforce the laws or the guarantees of the constitution of the United States in reference to any such state. I utterly repudiate the idea, in terms as emphatic as I can employ, that those laws are not to be enforced, or those guarantees complied with, because the president may believe that the right of suffrage, or any other great popular right, is either too restricted or too broadly enlarged. I also with equal strength, resist the idea that it falls within the executive competency to decide in controversies of the nature of that which existed in Rhode Island, on which side is the majority of the people, or as to the extent of the rights of a mere numerical majority. For the executive to assume such a power, would be to assume a power of the most dangerous character. Under such assumptions, the states of this Union would have no security for peace or tranquillity, but might be converted into the mere instruments of executive will. Actuated by selfish purposes, he might become the great agitator, fomenting assaults upon the state constitutions, and declaring the majority of to-day to be the minority of to-morrow; and the minority, in its turn, the majority, before whose decrees the established order of things in the state should be subverted. Revolution, civil commotion, and bloodshed, would be inevitable consequences. The provision in the constitution intended for the security of the states, would thus be turned into the instrument of their destruction. The president would become, in fact, the great constitution-maker for the states, and all power would be vested in his hands.

When, therefore, the governor of Rhode Island, by his letter of the 4th of April, 1842, made a requisition upon the executive for aid to put down the late disturbances, I had no hesitation in recognising the obligations of the executive to furnish such aid, upon the occurrence of the contingency provided for by the constitution and laws. My letter of the 11th of April, in reply to the governor's letter of the 4th, is herewith communicated; together with all correspondence which passed at a subsequent day, and the letters and documents mentioned in the schedule hereunto annexed. From the correspondence between the executive of the United States and that of Rhode Island, it will not escape observation, that, while I regarded it as my duty to announce the principles by which I should govern myself, in the contingency of an armed interposition on the part of this government being necessary to uphold the rights of the state of Rhode Island, and to preserve its domestic peace; yet, that the strong hope was indulged, and expressed, that all the difficulties would disappear before an enlightened policy of conciliation and compromise. In that spirit I addressed to Governor King the letter of the 7th of May, 1842, marked "private and confidential," and received his reply of the 12th of May, of the same year. The desire of the executive was, from the beginning, to bring the dispute to a termination without the interposition of the military power of the United States; and it will continue to be a subject of self-congratulation that this leading object of policy was finally accomplished. The executive resisted all entreaties, however urgent, to depart from this line of conduct. Information from private sources had led the executive to conclude that little else was designed by Mr. Dorr and his adherents than mere menace, with a view to intimidation. Nor was this opinion in any degree shaken until the 22d of June, 1842, when it was strongly represented, from reliable sources, as will be seen by reference to the documents herewith communicated, that preparations were making by Mr. Dorr, with a large force in arms, to invade the state; which force had been recruited in the neighboring states, and had been preceded by

the collection of military stores, in considerable quantities, at one or two points. This was a state of things to which the executive could not be indifferent. Mr. Dorr speedily afterward took up his headquarters at Chepachet, and assumed the command of what was reported to be a large force, drawn chiefly from voluntary enlistments made in the neighboring states. The executive could with difficulty bring himself to realize the fact that citizens of other states should have forgotten their duty to themselves and the constitution of the United States, and have entered into the highly reprehensible and indefensible course of interfering so far in the concerns of a sister-state, as to have entered into plans of invasion, conquest, and revolution; but the executive felt it to be his duty to look minutely into the matter; and therefore the secretary of war was despatched to Rhode Island, with instructions (a copy of which is herewith transmitted), and was authorized, should a requisition be made upon the executive by the government of Rhode Island, in pursuance of law, and the invaders should not abandon their purpose, to call upon the governors of Massachusetts and Connecticut for a sufficient number of militia at once to arrest the invasion, and to interpose such regular troops as could be spared from Fort Adams, for the defence of the city of Providence, in the event of its being attacked, as was strongly represented to be in contemplation. Happily, there was no necessity for either issuing the proclamation or the requisition, or for removing the troops from Fort Adams, where they had been properly stationed. Chepachet was evacuated, and Mr. Dorr's troops dispersed, without the necessity of the interposition of any military force by this government; thus confirming me in my early impressions, that nothing more had been designed, from the first, by those associated with Mr. Dorr, than to excite fear and apprehension, and thereby to obtain concessions from the constituted authorities, which might be claimed as a triumph over the existing government.

With the dispersion of Mr. Dorr's troops ended all the difficulties. A convention was shortly afterward called, by due course of law, to amend the fundamental law; and a new constitution, based on more liberal principles than that abrogated, was proposed and adopted by the people.

Thus the great American experiment of a change in government, under the influence of opinion, and not of force, has been again crowned with success; and the state and people of Rhode Island repose in safety under institutions of their own adoption, untroubled by any future prospect of necessary change, and secure against domestic violence or invasion from abroad. I congratulate the country upon so happy a termination of a condition of things which seemed, at one time, seriously to threaten the public peace. It may justly be regarded as worthy of the age and of the country in which we live.

## TEXAS TREATY MESSAGE.

APRIL 22, 1844.

*To the Senate of the United States :—*

I TRANSMIT, herewith, for your approval and ratification, a treaty, which I have caused to be negotiated between the United States and Texas, whereby the latter, on the conditions therein set forth, has conveyed all its right of separate and independent sovereignty and jurisdiction to the United States. In taking so important a step, I have been influenced by what appeared to me to be the most controlling considerations of public policy and the general good; and in having accomplished it, should it meet your approval, the government will have succeeded in reclaiming the territory which formerly constituted a portion, as it is confidently believed, of its domain, under the treaty of cession of 1803, by France to the United States.

The country thus proposed to be annexed, has been settled principally by persons from the United States, who emigrated on the invitation of both Spain and Mexico, and who carried with them, into the wilderness which they have partially reclaimed, the laws, customs, and political institutions of their native land. They are deeply indoctrinated in all the principles of civil liberty, and will bring along with them, in the act of reassociation, devotion to our Union, and a firm and inflexible resolution to assist in maintaining the public liberty unimpaired—a consideration which, as it appears to me, is to be regarded as one of no small moment. The country itself, thus obtained, is of an incalculable value in an agricultural and commercial point of view.

To a soil of inexhaustible fertility, it unites a genial and healthy climate, and is destined, at a day not distant, to make large contributions to the commerce of the world. Its territory is separated from the United States, in part, by an imaginary line, and by the river Sabine, for a distance of 310 miles; and its productions are the same with those of many of the contiguous states of the Union. Such is the country, such are its inhabitants, and such its capacities to add to the general wealth of the Union. As to the latter, it may be safely asserted, that in the magnitude of its productions, it will equal, in a short time, under the protecting care of this government, if it does not surpass, the combined productions of many states of the confederacy.

A new and powerful impulse will thus be given to the navigating interest of the country, which will be chiefly engrossed by our fellow-citizens of the eastern and middle states, who have already attained a remarkable degree of prosperity by the partial monopoly they have enjoyed of the carrying trade of the Union, particularly the coastwise trade, which this new acquisition is destined in time, and that not distant, to swell to a magnitude which can not easily be computed; while the addition made to the boundaries of the home-market, thus secured to their mining, manufacturing, and mechanical skill and industry, will be of a character the most commanding and important.

Such are some of the many advantages which will accrue to the eastern and middle states by the ratification of the treaty—advantages, the extent of which it is impossible to estimate with accuracy, or properly appreciate. Texas, being adapted to the culture of cotton, sugar, and rice,

and devoting most of her energies to the raising of these productions, will open an extensive market to the western states, in the important articles of beef, pork, horses, mules, &c., as well as breadstuffs. At the same time, the southern and southwestern states will find, in the fact of annexation, protection and security to their peace and tranquillity, as well against all domestic as foreign efforts to disturb them; thus consecrating anew the union of the states, and holding out the promise of its perpetual duration.

Thus, at the same time that the tide of public prosperity is greatly swollen, an appeal, of what appears to the executive to be of an imposing if not of a resistless character, is made to the interests of every portion of the country. Agriculture, which would have a new and extensive market opened for its produce—commerce, whose ships would be freighted with the rich productions of an extensive and fertile region—and the mechanical arts, in all their various ramifications—would seem to unite in one universal demand for the ratification of the treaty.

But important as these considerations may appear, they are to be regarded as but secondary to others. Texas, for reasons deemed sufficient by herself, threw off her dependence on Mexico, as far back as 1836, and consummated her independence by the battle of San Jacinto, in the same year; since which period, Mexico has attempted no serious invasion of her territory; but the contest has assumed features of a mere border war, characterized by acts revolting to humanity. In the year 1836, Texas adopted her constitution, under which she had existed as a sovereign power ever since, having been recognised as such by many of the principal powers of the world; and contemporaneously with its adoption by a solemn vote of her people, embracing all her population but ninety-three persons, declared her anxious desire to be admitted into association with the United States, as a portion of their territory.

This vote, thus solemnly taken, has never been reversed; and now, by the action of her constituted authorities, sustained as it is by the popular sentiment, she reaffirms her desire for annexation. This course has been adopted by her without the employment of any similar measures on the part of this government. No intrigue has been set on foot to accomplish it. Texas herself wills it, and the executive of the United States, concurring with her, has seen no sufficient reason to avoid the consummation of an act esteemed to be so desirable by both. It can not be denied that Texas is greatly depressed in her energies, by her long-protracted war with Mexico.

Under these circumstances, it is but natural that she should seek for safety and repose under the protection of some stronger power; and it is equally so that her people should turn to the United States, the land of their birth, in the first instance, in the pursuit of such protection. She has often before made known her wishes; but her advances have, to this time, been repelled. The executive of the United States sees no longer any cause for pursuing such a course. The hazard of now defeating her wishes, may be of the most fatal tendency. It might lead, and most probably would, to such an entire alienation of sentiment and feeling, as would inevitably induce her to look elsewhere for aid, and force her either to enter into dangerous alliances with other nations, who, looking with more wisdom to their interests, would, it is fairly to be presumed, readily adopt such expedients; or she would hold out the proffer of discriminating duties in trade and commerce, in order to secure the necessary assistance.

Whatever step she might adopt, looking to this object, would prove dis-

astrous in the highest degree to the interests of the whole Union. To say nothing of the impolicy of our permitting the carrying-trade and home-market of such a country to pass out of our hands into those of a commercial rival, the government, in the first place, would be certain to suffer most disastrously in its revenue, by the introduction of a system of smuggling upon an extensive scale, which an army of customhouse officers could not prevent, and which would operate to affect injuriously the interests of all the industrial classes of this country. Hence would arise constant collisions between the inhabitants of the two countries, which would evermore endanger their peace.

A large increase of the military force of the United States would inevitably follow, thus devolving upon the people new and extraordinary burdens, in order not only to protect them from the danger of daily collision with Texas herself, but to guard their border inhabitants against hostile inroads, so easily excited on the part of the numerous and warlike tribes of Indians dwelling in their neighborhood. Texas would undoubtedly be unable, for many years to come, if at any time, to resist, unaided and alone, the military power of the United States; but it is not extravagant to suppose, that nations reaping a rich harvest from her trade, secured to them by advantageous treaties, would be induced to take part with her in any conflict with us, from the strongest considerations of public policy.

Such a state of things must subject to devastation the territory of contiguous states, and would cost the country, in a single campaign, more treasure, twice told over, than is stipulated to be paid and reimbursed, by the treaty now proposed for ratification. I will not permit myself to dwell on this view of the subject. Consequences of a fatal character to the peace of the Union, and even to the preservation of the Union itself, might be dwelt upon. They will not, however, fail to occur to the mind of the senate and of the country. Nor do I indulge in any vague conjectures of the future. The documents now transmitted, along with the treaty, lead to the conclusion as inevitable, that if the boon be now rejected, Texas will seek for the friendship of others.

In contemplating such a contingency, it can not be overlooked that the United States are already almost surrounded by the possessions of European powers. The Canadas, New Brunswick, and Nova Scotia, the islands in the American seas, with Texas trammelled by treaties of alliance, or of a commercial character, differing in policy from that of the United States, would complete the circle. Texas voluntarily steps forth, upon terms of perfect honor and good faith to all nations, to ask to be annexed to the Union. As an independent sovereignty, her right to do this is unquestionable. In doing so, she gives no cause of umbrage to any other power; her people desire it, and there is no slavish transfer of her sovereignty and independence. She has for eight years maintained her independence against all efforts to subdue her. She has been recognised as independent by many of the most prominent of the family of nations, and that recognition, so far as they are concerned, places her in a position, without giving any just umbrage to them, to surrender her sovereignty at her own will and pleasure. The United States, actuated evermore by a spirit of justice, has desired, by the stipulations of the treaty, to render justice to all. They have made provisions for the payment of the public debt of Texas. We look to her ample and fertile domain as the certain means of accomplishing this: but this is a matter between the United States and

Texas, and with which other governments have nothing to do. Our right to receive the rich grant tendered by Texas, is perfect; and this government should not, having due respect either to its own honor or to its own interests, permit its course of policy to be interrupted by the interference of other powers, even if such interference was threatened. The question is one purely American. In the acquisition, while we abstain most carefully from all that could interrupt the public peace, we claim the right to exercise a due regard to our own. This government can not, consistently with its honor, permit any such interference. With equal, if not greater propriety, might the United States demand of other governments to surrender their numerous and valuable acquisitions, made in time past, at numerous places on the surface of the globe, whereby they have added to their power, and enlarged their resources.

To Mexico, the executive is disposed to pursue a course, conciliatory in its character, and at the same time to render her the most ample justice, by conventions and stipulations not inconsistent with the rights and dignity of the government. It is actuated by no spirit of unjust aggrandizement, but looks only to its own security. It has made known to Mexico, at several periods, its extreme anxiety to witness the termination of hostilities between that country and Texas. Its wishes, however, have been entirely disregarded. It has ever been ready to urge an adjustment of the dispute upon terms mutually advantageous to both. It will be ready, at all times, to hear and discuss any claims Mexico may think she has on the justice of the United States, and to adjust any that may be deemed to be so, on the most liberal terms. There is no desire on the part of the executive to wound her pride, or affect injuriously her interest; but, at the same time, it can not compromise, by any delay in its action, the essential interest of the United States. Mexico has no right to ask or expect this of us—we deal rightfully with Texas, as an independent power. The war which has been waged for eight years, has resulted only in the conviction, with all others than herself, that Texas can not be reconquered.

I can not but repeat the opinion, expressed in my message at the opening of Congress, that it is time it had ceased. The executive, while it could not look upon its longer continuance without the greatest uneasiness, has nevertheless, for all past time, preserved a course of strict neutrality. It could not be ignorant of the fact of the exhaustion which a war of so long a duration had produced. Least of all, was it ignorant of the anxiety of other powers to induce Mexico to enter into terms of reconciliation with Texas, which, affecting the domestic institutions of Texas, would operate most injuriously upon the United States, and might most seriously threaten the existence of this happy Union.

Nor could it be unacquainted with the fact, that although foreign governments might disavow all design to disturb the relations which exist under the constitution, between these United States, yet that one, the most powerful among them, had not failed to declare its marked and decided hostility to the chief features in those relations, and its purpose, on all suitable occasions to urge upon Mexico the adoption of such a course in negotiating with Texas, as to produce the obliteration of that feature from her domestic policy, as one of the conditions of her recognition, by Mexico, as an independent state.

The executive was also aware of the fact, that formidable associations of persons, the subjects of foreign powers, existed, who were directing their utmost efforts to the accomplishment of this object. To these

conclusions it was inevitably brought by the documents now submitted to the senate. I repeat, the executive saw Texas in a state of almost hopeless exhaustion, and the question was narrowed down to the simple proposition, whether the United States should accept the boon of annexation on fair and liberal terms, or by refusing to do so, force Texas to seek a refuge in the arms of some other power, either through a treaty of alliance, offensive and defensive, or the adoption of some other expedient, which might virtually make her tributary to such power, and dependent upon it for all future time.

The executive has full reason to believe that such would have been the result, without its interposition, and that such will be the result, in the event either of unnecessary delay in the ratification or the rejection of the proposed treaty.

In full view, then, of the highest public duty, and as a measure of security against evils incalculably great, the executive has entered into the negotiation, the fruits of which are now submitted to the senate.

Independent of the urgent reasons which existed for the step it has taken, it might safely invoke the fact which it confidently believes, that there exists no civilized government on earth, having a revolutionary tender made it of the domain so rich and fertile, so replete with all that can add to national greatness and wealth, and so necessary to its peace and safety, that would reject the offer. Nor are other powers, Mexico inclusive, likely, in and degree, to be injuriously affected by the ratification of the treaty. The prosperity of Texas will be equally interesting to all; in the increase of the general commerce of the world, that prosperity will be secured by annexation.

But one view of the subject remains to be presented. It grows out of the proposed enlargement of our territory. From this, I am free to confess, I see no danger. The federative system is susceptible of the greatest extension, compatible with the ability of the representation of the most distant state or territory, to reach the seat of government in time to participate in the functions of legislation, and to make known the wants of the constituent body. Our confederated republic consisted originally of thirteen members. It now consists of twice that number, while applications are before Congress to permit other additions.

This addition of new states has served to strengthen, rather than to weaken the Union. New interests have sprung up, which require the united power of all, through the action of the common government, to protect and defend upon the high seas and in foreign parts. Each state commits, with perfect security, to that common government, those great interests growing out of our relations with other nations of the whole world, and which equally involve the good of all the states. Its domestic concerns are left to its own exclusive management.

But if there were any force in the objection, it would seem to require an immediate abandonment of territorial possessions which lie in the distance, and stretch to a far-off sea; and yet no one would be found, it is believed, ready to recommend such an abandonment. Texas lies at our very doors, and in our immediate vicinity.

Under every view which I have been able to take of the subject, I think that the interests of our common constituents, the people of all the states, and a love of the Union, left the executive no other alternative than to negotiate the treaty. The high and solemn duty of ratifying or rejecting it, is wisely devolved on the senate, by the constitution of the United States.

SPECIAL MESSAGE.

MAY 10, 1844.

*To the House of Representatives of the United States :—*

I COMMUNICATE to Congress a letter from the imaum of Muscat, and a translation of it, together with sundry other papers, by which it will be perceived that his highness has been pleased again to offer to the United States a present of Arabian horses. These animals will be in Washington in a short time, and will be disposed of in such a manner as Congress may think proper to direct.

SPECIAL MESSAGE.

MAY 15, 1844.

*To the Senate of the United States :—*

IN answer to the resolution of the senate of the 13th instant, requesting to be informed "whether, since the commencement of the negotiation which resulted in the treaty now before the senate, for the annexation of Texas to the United States, any military preparations have been made or ordered by the president, for or in anticipation of war; and if so, for what cause, and with whom was such war apprehended, and what are the preparations that have been made or ordered? has any movement, or assemblage, or disposition, of any of the military or naval forces of the United States been made or ordered with a view to such hostilities? and to communicate to the senate copies of all orders or directions given for any such preparation, or for any such movement or disposition, or for the future conduct of such military or naval forces:" I have to inform the senate that, in consequence of the declaration of Mexico, communicated to this government, and by me laid before Congress at the opening of its present session, announcing the determination of Mexico to regard as a declaration of war against her by the United States the definitive ratification of any treaty with Texas annexing the territory of that republic to the United States, and the hope and belief entertained by the executive that the treaty with Texas for that purpose would be speedily approved and ratified by the senate, it was regarded by the executive to have become emphatically its duty to concentrate in the gulf of Mexico and its vicinity, as a precautionary measure, as large a portion of the home squadron under the command of Captain Conner, as could well be drawn together; and, at the same time, to assemble at Fort Jesup, on the borders of Texas, as large a military force as the demands of the service at other encampments would authorize to be detached. For the number of ships already in the gulf and the waters contiguous thereto, and such as are placed under orders for that destination, and of troops now assembled upon the frontier, I refer you to the accompanying reports from the secretaries of the war and navy departments. It will also be perceived by the senate, by referring to the orders of the navy department, which are herewith transmitted, that the naval officer in command of the fleet is directed to cause his ships to perform all the duties of a fleet of observation, and to



apprize the executive of any indication of a hostile design upon Texas, on the part of any nation, pending the deliberations of the senate upon the treaty, with a view that the same should promptly be submitted to Congress for its mature deliberation. At the same time, it is due to myself that I should declare it as my opinion, that the United States having by the treaty of annexation acquired a title to Texas which requires only the action of the senate to perfect it, no other power could be permitted to invade, and by force of arms to possess itself of, any portion of the territory of Texas, pending your deliberations upon the treaty, without placing itself in a hostile attitude to the United States, and justifying the employment of any means at our disposal to drive back the invasion. At the same time, it is my opinion that Mexico or any other power will find in your approval of the treaty no just cause of war against the United States ; nor do I believe that there is any serious hazard of war to be found in the fact of such approval. Nevertheless, every proper measure will be resorted to by the executive to preserve upon an honorable and just basis the public peace, by reconciling Mexico, through a liberal course of policy, to the treaty.

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### SPECIAL MESSAGE.

MAY 15, 1844.

*To the Senate of the United States :—*

IN answer to the resolution of the senate of the 13th instant, requesting to be informed "whether a messenger has been sent to Mexico with a view to obtain her consent to the treaty with Texas, and, if so, to communicate to the senate a copy of the despatches of which he is the bearer, and a copy of the instructions given to said messenger ; and also to inform the senate within what time said messenger is expected to return," I have to say, that no messenger has been sent to Mexico in order to obtain her consent to the treaty with Texas, it not being regarded by the executive as in any degree requisite to obtain such consent in order (should the senate ratify the treaty) to perfect the title of the United States to the territory thus acquired—the title to the same being full and perfect without the assent of any third power. The executive has negotiated with Texas as an independent power of the world, long since recognised as such by the United States and other powers, and as subordinate in all her rights of full sovereignty to no other power. A messenger has been despatched to our minister at Mexico, as bearer of the despatch already communicated to the senate, and which is to be found in the letter addressed to Mr. Green, and forms a part of the documents ordered confidentially to be printed for the use of the senate. That despatch was dictated by a desire to preserve the peace of the two countries, by denying to Mexico all pretext for assuming a belligerent attitude toward the United States, as she had threatened to do in the event of the annexation of Texas to the United States, by the despatch of her government which was communicated by me to Congress at the opening of its present session. The messenger is expected to return before the 15th of June next, but he may be detained to a later day. The recently-appointed envoy from the United States to Mexico will be sent so soon as the final action is had on the question of annexation, at which time, and not before, can his instructions be understandingly prepared.

SPECIAL MESSAGE.

MAY 18, 1844.

*To the House of Representatives of the United States :—*

IN answer to a resolution of the house of representatives of the 3d of January last, requesting the president of the United States "to cause to be communicated to the house copies of all the instructions given to the commanding officers of the squadron stipulated by the treaty with Great Britain of the 9th of August, 1842, to be kept on the coast of Africa for the suppression of the slave-trade," and, also, "copies of the instructions given by the British government to their squadron, stipulated by the same, if such instructions have been communicated to this government," I have to inform the house of representatives that, in my opinion, it would be incompatible with the public interests to communicate to that body, at this time, copies of the instructions referred to.

SPECIAL MESSAGE.

MAY 18, 1844.

*To the Senate of the United States :—*

IN answer to the resolution of the senate of the 13th instant, relating to a supposed armistice between the republics of Mexico and Texas, I transmit a report from the secretary of state, and the papers by which it was accompanied.

SPECIAL MESSAGE.

MAY 20, 1844.

*To the House of Representatives of the United States :—*

I HEREWITH transmit a letter from the secretary of the navy, accompanied by a report from the bureau of construction and equipment, and a communication from Lieutenant Hunter, of the navy, prepared at the request of the secretary, upon the subject of a plan for the establishment, in connexion with the government of France, of a line of steamers between the ports of Havre and New York; with estimates of the expense which may be necessary to carry the said plan into effect.

SPECIAL MESSAGE.

MAY 23, 1844.

*To the Senate of the United States :—*

YOUR resolution of the 18th instant, adopted in executive session, addressed to the secretary of treasury *ad interim*, has been communicated to me by that officer. While I can not recognise this call thus made on the

head of a department as consistent with the constitutional rights of the senate, when acting in its executive capacity, which, in such case, can only properly hold correspondence with the president of the United States, nevertheless, from an anxious desire to lay before the senate all such information as may be necessary to enable it with full understanding to act upon any subject which may be before it, I herewith transmit communications which have been made to me by the secretaries of the war and navy departments in full answer to the resolution of the senate.

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RESOLUTION ABOVE REFERRED TO.

*“Resolved, That the secretary of the treasury be directed, with as little delay as possible, to communicate to the senate whether any and what sums of money have been drawn from the treasury to be expended to carry into effect the orders of the war and navy departments, made since the 12th day of April last, for stationing troops or increasing the military force upon or near the frontier of Texas and the gulf of Mexico, and for placing a naval force in the gulf of Mexico, with any other expenditures connected with those movements; and that he state particularly under what law of Congress and from what appropriation such moneys have been taken from the treasury for expenditure.”*

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SPECIAL MESSAGE.

MAY 31, 1844.

*To the Senate of the United States:—*

IN answer to the resolutions of the senate of the 22d instant, requesting information in regard to any promise by the president of military or other aid to Texas, in the event of an agreement on the part of the republic to annex herself to the United States, I transmit a report from the secretary of state, and the documents by which it was accompanied.

In my message to the senate of the 15th of this month, I adverted to the duty which, in my judgment, the signature of the treaty for the annexation of Texas had imposed upon me, to repel any invasion of that country by a foreign power while the treaty was under consideration in the senate, and I transmitted reports from the secretaries of war and of the navy, with a copy of the orders which had been issued from those departments for the purpose of enabling me to execute that duty. In those orders, General Taylor was directed to communicate with the president of Texas upon the subject, and Captain Connor was instructed to communicate with the chargé d'affaires of the United States accredited to that government. No copy of any communication which either of those officers may have made pursuant to those orders has yet been received at the department from which they emanated.

SPECIAL MESSAGE.

JUNE 7, 1844.

*To the House of Representatives of the United States :—*

I HEREWITH transmit to the house of representatives the copy of a letter recently addressed to the secretary of state by the British minister at Washington, with the view of ascertaining "whether it would be agreeable to this government that an arrangement should be concluded for the transmission, through the United States, of the mails to and from Canada and England, which are now landed at Halifax, and thence forwarded through the British dominions to their destination."

It will be perceived that this communication has been referred to the postmaster-general; and his opinion will accordingly be found in his letter to the department of state, of the 5th instant, a copy of which is enclosed. I lose no time in recommending the subject to the favorable consideration of the house, in bespeaking for it early attention.

TEXAS MESSAGE.

JUNE 10, 1844.

*To the House of Representatives of the United States :—*

THE treaty negotiated by the executive with the republic of Texas, without a departure from any form of proceeding customarily observed in the negotiations of treaties, for the annexation of that republic to the United States, having been rejected by the senate, and the subject having excited, on the part of the people, no ordinary degree of interest, I feel it to be my duty to communicate, for your consideration, the rejected treaty, together with all the correspondence and documents which have heretofore been submitted to the senate in its executive sessions. The papers communicated, embrace not only the series already made public by orders of the senate, but others from which the veil of secrecy has not been removed by that body, but which I deem to be essential to a just appreciation of the entire question. While the treaty was pending before the senate, I did not consider it compatible with the just rights of that body, or consistent with the respect I entertained for it, to bring this important subject before you. The power of Congress is, however, fully competent, in some other form of proceeding, to accomplish everything that a formal ratification of the treaty could have accomplished, and I therefore feel that I should but imperfectly discharge my duty to yourselves or the country, if I failed to lay before you everything in the possession of the executive, which would enable you to act with full light on the subject, if you should deem it proper to take any action upon it.

I regard the question involved in these proceedings as one of vast magnitude, and as addressing itself to interests of an elevated and enduring character. A republic, coterminous in territory with our own, of immense resources, which require only to be brought under the influence of our confederate and free system, in order to be fully developed—promising, at no distant day, through the fertility of its soil, nearly, if not entirely, to

duplicate the exports of the country, thereby making an addition to the carrying-trade, to an amount almost incalculable, and giving a new impulse of immense importance to the commercial, manufacturing, agricultural, and shipping interests of the whole Union, and at the same time affording protection to an exposed frontier, and placing the whole country in a condition of security and repose—a territory settled mostly by emigrants from the United States, who would bring back with them, in the act of reciprocity, an unconquerable love of freedom, and an ardent attachment to our free institutions; such a question could not fail to interest most deeply in its success, those who, under the constitution, have become responsible for the faithful administration of public affairs. I have regarded it as not a little fortunate, that the question involved was no way sectional or local, but addressed itself to the interests of every part of the country, and made its appeal to the glory of the American name.

It is due to the occasion to say, that I have carefully reconsidered the objections which have been urged to immediate action upon the subject, without, in any degree, having been struck with their force. It has been objected, that the measure of annexation should be preceded by the consent of Mexico. To preserve the most friendly relations with Mexico—to concede to her, not grudgingly, but freely, all her rights—to negotiate fairly and frankly with her, as to the question of boundary—to render her, in a word, the fullest and most ample recompense for any loss she might convince us she had sustained—fully accords with feelings and views the executive has always entertained.

But negotiation, in advance of annexation, would prove not only truly abortive, but might be regarded as offensive to Mexico, and insulting to Texas. Mexico would not, I am persuaded, give ear, for a moment, to an attempt at negotiation in advance, except for the whole territory of Texas. While all the world beside regards Texas as an independent power, Mexico chooses to look upon her as a revolted province. Nor could we negotiate with Mexico for Texas, without admitting that our recognition of her independence was fraudulent, delusive, or void. It is only after acquiring Texas, that the question of boundary can arise between the United States and Mexico, a question purposely left open for negotiation with Mexico, as affording the best opportunity for the most friendly and pacific arrangements. The executive has dealt with Texas as a power independent of all others, both *de facto* and *de jure*. She was an independent state of the confederation of Mexican republics. When, by violent revolution, Mexico declared the confederation at an end, Texas owed her no longer allegiance, but claimed, and has maintained the right, for eight years, to a separate and distinct position. During that period, no army has invaded her, with a view to her reconquest. And if she has not yet established her right to be treated as a nation independent *de facto* and *de jure*, it would be difficult to say at what period she will attain that condition.

Nor can we, by any fair or any legitimate inference, be accused of violating any treaty stipulations with Mexico. The treaties with Mexico give no guarantee of any sort, and are coexistent with a similar treaty with Texas. So have we treaties with most of the nations of the earth, which are equally as much violated by the annexation of Texas to the United States, as would be our treaty with Mexico. The treaty is merely commercial, and intended as the instrument for more accurately defining the rights, and securing the interests of the citizens of each country. What

bad faith can be implied or charged upon the government of the United States, for successfully negotiating with an independent power, upon any subject not violating the stipulations of such treaty, I confess my inability to discern.

The objections which have been taken to the enlargement of our territory, were urged with much zeal against the acquisition of Louisiana; and yet the futility of such has long since been fully demonstrated. Since that period, a new power has been introduced into the affairs of the world, which has, for all practical purposes, brought Texas much nearer to the seat of government than Louisiana was at the time of its annexation. Distant regions are, by the application of the steam-engine, brought within a close proximity.

With the views which I entertain on the subject, I should prove faithless to the high trust which the constitution has devolved upon me, if I neglected to invite the attention of the representatives of the people to it at the earliest moment that a due respect for the senate would allow me so to do. I should find in the urgency of the matter a sufficient apology, if one was wanting, since annexation is to encounter a great, if not a certain hazard of final defeat, if something be not *now* done to prevent it. Upon this point I can not too impressively invite your attention to my message of the 15th of May, and to the documents which accompany it, which have not heretofore been made public. If it be objected that the names of the writers of some of the private letters are withheld, all that I can say is, that it is done for reasons regarded as altogether adequate, and that the writers are persons of the first respectability, and citizens of Texas, and have such means of obtaining information as to entitle their statements to full credit. Nor has anything occurred to weaken, but, on the contrary, much to confirm my confidence in the statements of General Jackson, and my own statement made at the close of that message, in the belief, amounting almost to certainty, "that instructions have already been given by the Texan government, to propose to the government of Great Britain forthwith, on the failure of the treaty, to enter into a treaty of commerce, and an alliance, offensive and defensive."

I also particularly invite your attention to the letter from Mr. Everett, our envoy at London, containing an account of a conversation in the house of lords, which lately occurred between Lord Brougham and Lord Aberdeen, in relation to the question of annexation. Nor can I do so without the expression of some surprise at the language that the minister of foreign affairs employed upon the occasion. That a kingdom, which is made what it now is by repeated acts of annexation—beginning with the time of the heptarchy, and concluding with the annexation of the kingdoms of Ireland and Scotland—should perceive any principle either novel or serious in the late proceedings of the American executive in regard to Texas, is well calculated to excite surprise. If it be pretended that, because of commercial or political relations which may exist between the two countries, neither has a right to part with its sovereignty, and that no third power can change those relations by a voluntary treaty of union or annexation, then it would seem to follow that an annexation to be achieved by force of arms, in the prosecution of a just and necessary war, could in no way be justified; and yet it is presumed that Great Britain would be the last nation in the world to maintain any such doctrine. The commercial and political relations of many of the countries of Europe have undergone repeated changes, by voluntary treaties, by conquest, and by partitions of

their territories, without any question as to the right under the public law. The question, in this view of it, can be considered as neither "serious" nor "novel." I will not permit myself to believe that the British minister designed to bring himself to any such conclusion; but it is impossible for us to be blind to the fact, that the statements contained in Mr. Everett's despatch are well worthy of serious consideration. The government and people of the United States have never evinced, nor do they feel, any desire to interfere in public questions not affecting the relations existing between the states of the American continent. We leave the European powers exclusive control over matters affecting their continent, and the relations of their different states. The United States claim a similar exemption from any such interference on their part. The treaty with Texas was negotiated from considerations of a high public policy, influencing the conduct of the two republics. We have treated with Texas as an independent power, solely with a view of bettering the condition of the two countries. If annexation in any form occur, it will arise from the free and unfettered action of the people of the two countries; and it seems altogether becoming in me to say, that the honor of the country, the dignity of the American name, and the permanent interests of the United States, would forbid acquiescence in any such interference. No one can more highly appreciate the value of peace to both Great Britain and the United States, and the capacity of each to do injury to the other, than myself; but yet peace can best be preserved by maintaining firmly the rights which belong to us as an independent community.

So much have I considered it proper for me to say; and it becomes me only to add, that while I have regarded the annexation to be accomplished by treaty as the most suitable form in which it could be effected, should Congress deem it proper to resort to any other expedient compatible with the constitution, and likely to accomplish the object, I stand prepared to yield my most prompt and active co-operation.

The great question is—not as to the manner in which it shall be done, but whether it shall be accomplished or not.

The responsibility of deciding this question is now devolved upon you.

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## EASTERN-HARBOR BILL VETO.

JUNE 11, 1844.

*To the House of Representatives of the United States:—*

I RETURN to the house of representatives, in which it originated, the bill entitled, "An act making appropriations for the improvement of certain harbors and rivers," with the following objections to its becoming a law:—

At the adoption of the constitution, each state was possessed of a separate and independent sovereignty, and an exclusive jurisdiction over all streams and water-courses within its territorial limits. The articles of confederation in no way affected this authority or jurisdiction; and the present constitution, adopted for the purpose of correcting the defects which existed in the original articles, expressly reserves to the states all powers not delegated. No such surrender of jurisdiction is made by the states to

this government, by any express grant; and if it is possessed, it is to be deduced from the clause in the constitution which invests Congress with authority "to make all laws which are necessary and proper for carrying into execution" the granted powers. There is, in my view of the subject, no pretence whatever for the claim to power which the bill now returned substantially sets up. The inferential power, in order to be legitimate, must be clearly and plainly incidental to some granted power, and necessary to its exercise.

To refer it to the head of convenience or usefulness, would be to throw open the door to a boundless and unlimited discretion, and to invest Congress with an unrestrained authority. The power to remove obstructions from the water-courses of the states is claimed under the granted power "to regulate commerce with foreign nations, *among the several states*, and with the Indian tribes;" but the plain and obvious meaning of this grant is, that Congress may adopt rules and regulations prescribing the terms and conditions on which the citizens of the United States may carry on commercial operations with foreign states or kingdoms, and on which the citizens or subjects of foreign states or kingdoms may prosecute trade with the United States, or either of them. And so the power to regulate commerce *among the several states* no more invests Congress with jurisdiction over the water-courses of the states, than the first branch of the grant does over the water-courses of foreign powers: which would be an absurdity.

The right of common use of the people of the United States to the navigable waters of each and every state, arises from the express stipulation contained in the constitution, that "the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states." While, therefore, the navigation of any river in any state is, by the laws of such state, allowed to the citizens thereof, the same is also secured by the constitution of the United States, on the same terms and conditions, to the citizens of every other state, and so of any other privilege or immunity.

The application of the revenue of this government, if the power to do so was admitted, to improving the navigation of the rivers by removing obstructions or otherwise, would be for the most part productive only of local benefit. The consequences might prove disastrously ruinous to as many of our fellow-citizens as the exercise of such power would benefit. I will take one instance furnished by the present bill—out of no invidious feeling, for such it would be impossible for me to feel, but because of my greater familiarity with locations—in illustration of the above opinion: Twenty thousand dollars are proposed to be appropriated toward improving the harbor of Richmond, in the state of Virginia. Such improvement would furnish advantages to the city of Richmond, and add to the value of the property of its citizens, while it might have a most disastrous influence over the wealth and prosperity of Petersburg, which is situated some twenty-five miles distant, on a branch of James river, and which now enjoys its fair proportion of the trade. So, too, the improvement of James river to Richmond, and the Appamattox to Petersburg, might, by inviting the trade of those two towns, have the effect of prostrating the town of Norfolk. This, too, might be accomplished without adding a single vessel to the number now engaged in the trade of the Chesapeake bay, or bringing into the treasury a dollar of additional revenue. It would produce, most probably, the single effect of concentrating the commerce ever profitably enjoyed by three places, upon one of them. This case fur-



nishes an apt illustration of the effect of this bill in several other particulars.

There can not, in fact, be drawn the slightest discrimination between the improving the streams of a state under the power to regulate commerce, and the most extended system of internal improvements on land. The excavating a canal, and paving a road, are equally as much incident to such a claim of power, as the removing obstructions from water-courses ; nor can such power be restricted, by any fair course of reasoning, to the mere fact of making the improvement. It reasonably extends, also, to the right of seeking a return of the means expended, through the exaction of tolls and the levying of contributions. Thus, while the constitution denies to this government the privilege of acquiring a property in the soil of any state, even for the purpose of erecting a necessary fortification, without a grant from such state, this claim to power would invest it with control and dominion over the waters and soil of each state, without restriction. Power so incongruous can not exist in the same instrument.

The bill is also liable to serious objection, because of its blending appropriations for numerous objects, but few of which agree in their general features. This necessarily produces the effect of embarrassing executive action. Some of the appropriations would receive my sanction, if separated from the rest, however much I might deplore the reproduction of a system which, for some time past, has been permitted to sleep with, apparently, the acquiescence of the country. I might particularize the Delaware breakwater, as an improvement which looks to the security, from the storms of our extended Atlantic seaboard, of the vessels of all the country engaged either in the foreign or the coastwise trade, as well as to the safety of the revenue ; but when, in connexion with that, the same bill embraces improvements of rivers at points far in the interior, connected alone with the trade of such river, and the exertion of mere local influences, no alternative is left me but to use the qualified *veto*, with which the executive is invested by the constitution, and to return the bill to the house in which it originated, for its ultimate reconsideration and decision.

In sanctioning a bill of the same title with that returned, for the improvement of the Mississippi and its chief tributaries, and certain harbors on the lakes—if I bring myself apparently in conflict with any of the principles herein asserted, it will arise on my part exclusively from the want of a just appreciation of localities. The Mississippi occupies a footing altogether different from the river and water courses of the different states. No one state, or any number of states, can exercise any other jurisdiction over it than for the punishment of crimes and the service of civil process. It belongs to no particular state or states, but of common right, by express reservation, to all the states. It is reserved as a great common highway for the commerce of the whole country. To have conceded to Louisiana, or to any other state admitted as a new state into the Union, the exclusive jurisdiction, and consequently the right to make improvements and to levy tolls on the segments of the river embraced within its territorial limits, would have disappointed the chief object in the purchase of Louisiana—which was, to secure the free use of the Mississippi to all the people of the United States. Whether levies on commerce were made on foreign or domestic government, would have been equally burdensome and objectionable. The United States, therefore, is charged with its improvement, for the benefit of all ; and the appropriation of governmental means to its improvement becomes indispensably necessary for the good of all.

As to the harbors on the lakes, the act originates no new improvements, but makes appropriations for the continuance of works already begun.

It is as much the duty of the government to construct good harbors, without reference to the location or interests of cities, for the shelter of the extensive commerce of the lakes, as to build breakwaters on the Atlantic coast for the protection of the trade of that ocean. These great inland seas are visited by destructive storms ; and the annual loss of ships and cargoes, and consequently of revenue to the government, is immense. If, then, there be any work embraced by the act, which is not required in order to afford shelter and security to the shipping against the tempests which so often sweep over those great inland seas, but has, on the contrary, originated more in a spirit of speculation and local interest than in one of the character alluded to, the house of representatives will regard my approval of the bill more as the result of misinformation, than any design to abandon or modify the principles laid down in this message. Every system is liable to run into abuse, and none more so than that under consideration ; and measures can not be too soon taken by Congress to guard against this evil.

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## FOURTH ANNUAL MESSAGE.

DECEMBER 3, 1844.

*To the Senate and House of Representatives of the United States :—*

WE have continued cause for expressing our gratitude to the Supreme Ruler of the universe, for the benefits and blessings which our country, under his kind providence, has enjoyed during the past year. Notwithstanding the exciting scenes through which we have passed, nothing has occurred to disturb the general peace, or to derange the harmony of our political system. The great moral spectacle has been exhibited, of a nation, approximating in number to twenty millions of people, having performed the high and important function of electing their chief magistrate for the term of four years, without the commission of any acts of violence, or the manifestation of a spirit of insubordination to the laws. The great and inestimable right of suffrage has been exercised by all who were invested with it, under the laws of the different states, in a spirit dictated alone by a desire, in the selection of the agent, to advance the interests of the country, and to place beyond jeopardy the institutions under which it is our happiness to live. That the deepest interest has been manifested by all our countrymen in the result of the election, is not less true than highly creditable to them. Vast multitudes have assembled from time to time, at various places, for the purpose of canvassing the merits and pretensions of those who were presented for their suffrages ; but no armed soldiery has been necessary to restrain within proper limits the popular zeal, or to prevent violent outbreaks. A principle much more controlling was found in the love of order and obedience to the laws, which, with were individual exceptions, everywhere possesses the American mind, and controls with an influence far more powerful than hosts of armed men. We can not dwell upon this picture without recognising in it that deep and devoted attachment, on the part of the people, to the institutions

under which we live, which proclaims their perpetuity. The great objection which has always prevailed against the election by the people, of their chief executive officer, has been the apprehension of tumults and disorders, which might involve in ruin the entire government. A security against this is found, not only in the fact before alluded to, but in the additional fact, that we live under a confederacy embracing already twenty-six states, no one of which has power to control the election. The popular vote in each state is taken at the time appointed by the laws, and such vote is announced by the electoral college, without reference to the decision of other states. The right of suffrage, and the mode of conducting the election, are regulated by the laws of each state; and the election is distinctly federative in all its prominent features. Thus it is, that, unlike what might be the results under a consolidated system, riotous proceedings, should they prevail, could only affect the elections in single states, without disturbing, to any dangerous extent, the tranquility of others. The great experiment of a political confederation—each member of which is supreme as to all matters appertaining to its local interests and its internal peace and happiness, while, by a voluntary compact with others, it confides to the united power of all, the protection of its citizens in matters not domestic—has been so far crowned with complete success. The world has witnessed its rapid growth in wealth and population; and under the guidance and direction of a superintending Providence, the developments of the past may be regarded but as the shadowing forth of the mighty future. In the bright prospects of that future, we shall find, as patriots and philanthropists, the highest inducements to cultivate and cherish a love of union, and to frown down every measure or effort which may be made to alienate the states, or the people of the states, in sentiment and feeling, from each other. A rigid and close adherence to the terms of our political compact, and above all, a sacred observance of the guarantees of the constitution, will preserve union on a foundation which can not be shaken; while personal liberty is placed beyond hazard or jeopardy. The guarantees of religious freedom—of the freedom of the press—of the liberty of speech—of the trial by jury—of the habeas corpus, and of the domestic institutions of each of the states, leaving the private citizen in the full exercise of the high and ennobling attributes of his nature, and to each state the privilege (which can only be judiciously exerted by itself) of consulting the means best calculated to advance its own happiness—these are the great and important guarantees of the constitution, which the lovers of liberty must cherish, and the advocates of union must ever cultivate. Preserving these, and avoiding all interpolations by forced construction, under the guise of an imagined expediency, upon the constitution, the influence of our political system is destined to be as actively and as beneficially felt on the distant shores of the Pacific, as it is now on those of the Atlantic ocean. The only formidable impediments in the way of its successful expansion (time and space) are so far in the progress of modification, by the improvements of the age, as to render no longer speculative the ability of representatives from that remote region to come up to the capitol, so that their constituents shall participate in all the benefits of federal legislation. Thus it is that, in the progress of time, the inestimable principles of civil liberty will be enjoyed by millions yet unborn, and the great benefits of our system of government be extended to now distant and uninhabited regions. In view of the vast wilderness yet to be reclaimed, we may well invite the lover of

freedom of every land to take up his abode among us, and assist us in the great work of advancing the standard of civilization, and giving a wider spread to the arts and refinements of cultivated life. Our prayers should evermore be offered up to the Father of the universe, for his wisdom to direct us in the path of our duty, so as to enable us to consummate these high purposes.

One of the strongest objections which have been urged against confederacies, by writers on government, is the liability of the members to be tampered with by foreign governments, or the people of foreign states, either in their local affairs, or in such as affected the peace of others, or endangered the safety of the whole confederacy. We can not hope to be entirely exempt from such attempts on our peace and safety. The United States are becoming too important in population and resources, not to attract the observation of other nations. It therefore may, in the progress of time, occur, that opinions entirely abstract in the states in which they may prevail, and in no degree affecting their domestic institutions, may be artfully, but secretly encouraged, with a view to undermine the Union. Such opinions may become the foundation of political parties, until, at last, the conflict of opinion, producing an alienation of friendly feeling among the people of the different states, may involve in one general destruction the happy institutions under which we live. It should ever be borne in mind, that what is true in regard to individuals, is equally so in regard to states. An interference of one in the affairs of another, is the fruitful source of family dissensions and neighborhood disputes; and the same cause affects the peace, happiness, and prosperity of states. It may be most devoutly hoped that the good sense of the American people will ever be ready to repel all such attempts, should they ever be made.

There has been no material change in our foreign relations since my last annual message to Congress. With all the powers of Europe we continue on the most friendly terms. Indeed, it affords me much satisfaction to state, that at no former period has the peace of that enlightened and important quarter of the globe ever been, apparently, more firmly established. The conviction that peace is the true policy of nations, would seem to be growing and becoming deeper among the enlightened everywhere; and there is no people who have a stronger interest in cherishing the sentiment, and adopting the means of preserving and giving it permanence, than those of the United States. Among these, the first and most effective are, no doubt, the strict observance of justice, and the honest and punctual fulfilment of all engagements. But it is not to be forgotten that, in the present state of the world, it is no less necessary to be ready to enforce their observance and fulfilment in reference to ourselves, than to observe and fulfil them, on our part, in regard to others.

Since the close of your last session, a negotiation has been formally entered upon between the secretary of state and her Britannic majesty's minister plenipotentiary and envoy extraordinary residin at Washington, relative to the rights of their respective nations in and over the Oregon territory. That negotiation is still pending. Should it, during your session, be brought to a definitive conclusion, the result will be promptly communicated to Congress. I would, however, again call your attention to the recommendations contained in previous messages, designed to protect and facilitate emigration to that territory. The establishment of military posts, at suitable points upon the extended line of land travel,

would enable our citizens to emigrate in comparative safety to the fertile regions below the falls of the Columbia, and make the provision of the existing convention for the joint occupation of the territory by the subjects of Great Britain and the citizens of the United States more available than heretofore to the latter. These posts would constitute places of rest for the weary emigrant, where he would be sheltered securely against the danger of attack from the Indians, and be enabled to recover from the exhaustion of a long line of travel. Legislative enactments should also be made, which should spread over him the ægis of our laws, so as to afford protection to his person and property when he shall have reached his distant home. In this latter respect, the British government has been much more careful of the interests of such of her people as are to be found in that country, than have the United States. She has made necessary provision for their security and protection against the acts of the viciously-disposed and lawless, and her emigrant reposes in safety under the panoply of her laws. Whatever may be the result of the pending negotiation, such measures are necessary. It will afford me the greatest pleasure to witness a happy and favorable termination to the existing negotiation upon terms compatible with the public honor; and the best efforts of the government will continue to be directed to this end.

It would have given me the highest gratification, in this, my last annual communication to Congress, to have been able to announce to you the complete and entire settlement and adjustment of other matters in difference between the United States and the government of her Britannic majesty, which were adverted to in a previous message. It is so obviously the interest of both countries, in respect to the large and valuable commerce which exists between them, that all causes of complaint, however inconsiderable, should be with the greatest promptitude removed, that it must be regarded as cause of regret that any unnecessary delays should be permitted to intervene. It is true that, in a pecuniary point of view, the matters alluded to are altogether insignificant in amount, when compared with the ample resources of that great nation; but they nevertheless—more particularly that limited class which arise under seizures and detentions of American ships on the coast of Africa, upon the mistaken supposition indulged in at the time the wrong was committed, of their being engaged in the slave-trade—deeply affect the sensibilities of this government and people. Great Britain having recognised her responsibility to repair all such wrongs, by her action in other cases, leaves nothing to be regretted upon the subject, as to all cases arising prior to the treaty of Washington, than the delay in making suitable reparation in such of them as fall plainly within the principle of others, which she has long since adjusted. The injury inflicted by delays in the settlement of these claims, falls with severity upon the individual claimants, and makes a strong appeal to her magnanimity and sense of justice for a speedy settlement. Other matters, arising out of the construction of existing treaties, also remain unadjusted, and will continue to be urged upon her attention.

The labors of the joint commission appointed by the two governments to run the dividing-line established by the treaty of Washington, were, unfortunately, much delayed in the commencement of the season, by the failure of Congress, at its last session, to make a timely appropriation of funds to meet the expenses of the American party, and by other causes. The United States commissioner, however, expresses his expectation

that, by increased diligence and energy, the party will be able to make up for lost time.

We continue to receive assurances of the most friendly feelings on the part of all the other European powers; with each, and all of whom, it is so obviously our interest to cultivate the most amicable relations. Nor can I anticipate the occurrence of any event which would be likely, in any degree, to disturb those relations. Russia, the great northern power, under the judicious sway of her emperor, is constantly advancing in the road of science and improvement; while France, guided by the counsels of her wise sovereign, pursues a course calculated to consolidate the general peace. Spain has obtained a breathing spell of some duration from the internal convulsions which have, through so many years, marred her prosperity; while Austria, the Netherlands, Prussia, Belgium, and the other powers of Europe, reap a rich harvest of blessings from the prevailing peace.

I informed the two houses of Congress, in my message of December last, that instructions had been given to Mr. Wheaton, our minister at Berlin, to negotiate a treaty with the Germanic states composing the Zoll-Verein, if it could be done—stipulating, as far as it was practicable to accomplish it, for a reduction of the heavy and onerous duties levied on our tobacco, and other leading articles of agricultural production; and yielding, in return, on our part, a reduction of duties on such articles, the product of their industry, as should not come into competition, or but a limited one, with articles the product of our manufacturing industry. The executive, in giving such instructions, considered itself as acting in strict conformity with the wishes of Congress, as made known through several measures which it had adopted; all directed to the accomplishment of this important result. The treaty was, therefore, negotiated; by which essential reductions were secured in the duties levied by the Zoll-Verein on tobacco, rice, and lard, accompanied by a stipulation for the admission of raw cotton free of duty. In exchange for which highly important concessions, a reduction of duties, imposed by the laws of the United States on a variety of articles, most of which were admitted free of all duty under the act of Congress commonly known as the compromise law, and but few of which were produced in the United States, was stipulated for on our part. This treaty was communicated to the senate at an early day of its last session, but not acted upon until near its close; when, for the want (as I am bound to presume) of full time to consider it, it was laid upon the table. This procedure had the effect of virtually rejecting it, in consequence of a stipulation contained in the treaty, that its ratifications should be exchanged on or before a day which has already passed. The executive, acting upon the fair inference that the senate did not intend its absolute rejection, gave instructions to our minister at Berlin to reopen the negotiation, so far as to obtain an extension of time for the exchange of ratifications. I regret, however, to say that his efforts in this respect have been unsuccessful. I am nevertheless not without hope that the great advantages which were intended to be secured by the treaty may yet be realized.

I am happy to inform you that Belgium has, by an "*arrêté royale*," issued in July last, assimilated the flag of the United States to her own, so far as the direct trade between the two countries is concerned. This measure will prove of great service to our shipping interest, the trade having heretofore been carried on chiefly in foreign bottoms. I flatter

myself that she will speedily resort to a modification of her system relating to the tobacco-trade, which would decidedly benefit the agriculture of the United States, and operate to the mutual advantage of both countries.

No definitive intelligence has yet been received from our minister, of the conclusion of a treaty with the Chinese empire; but enough is known to induce the strongest hopes that the mission will be crowned with success.

With Brazil our relations continue on the most friendly footing. The commercial intercourse between that growing empire and the United States is becoming daily of greater importance to both; and it is to the interest of both that the firmest relations of amity and goodwill should continue to be cultivated between them.

The republic of New Grenada still withholds (notwithstanding the most persevering efforts have been employed by our chargé d'affaires, Mr. Blackford, to produce a different result) indemnity in the case of the brig "Morris." And the Congress of Venezuela, although an arrangement has been effected between our minister and the minister of foreign affairs of that government, for the payment of eighteen thousand dollars in discharge of its liabilities in the same case, has altogether neglected to make provision for its payment. It is to be hoped that a sense of justice will soon induce a settlement of these claims.

Our late minister to Chili, Mr. Pendleton, has returned to the United States, without having effected an adjustment in the second claim of the Macedonian, which is delayed on grounds altogether frivolous and untenable. Mr. Pendleton's successor has been directed to urge the claim in the strongest terms; and, in the event of a failure to obtain a prompt adjustment, to report the fact to the executive at as early a day as possible, so that the whole matter may be communicated to Congress.

At your last session, I submitted to the attention of Congress the convention with the republic of Peru, of the 17th of March, 1841, providing for the adjustment of the claims of citizens of the United States against that republic; but no definitive action was taken upon the subject. I again invite to it your attention and prompt action.

In my last annual message, I felt it to be my duty to make known to Congress, in terms both plain and emphatic, my opinion in regard to the war which has so long existed between Mexico and Texas; which, since the battle of San Jacinto, has consisted altogether of predatory incursions, attended by circumstances revolting to humanity. I repeat now, what I then said—that after eight years of feeble and ineffectual efforts to reconquer Texas, it was time that the war should have ceased. The United States had a direct interest in the question. The contiguity of the two nations to our territory was but too well calculated to involve our peace. Unjust suspicions were engendered in the mind of one or the other of the belligerents against us; and, as a necessary consequence, American interests were made to suffer, and our peace became daily endangered. In addition to which, it must have been obvious to all that the exhaustion produced by the war subjected both Mexico and Texas to the interference of other powers; which, without the interposition of this government, might eventuate in the most serious injury to the United States. This government, from time to time, exerted its friendly offices to bring about a termination of hostilities upon terms honorable alike to both the belligerents. Its efforts in this behalf proved unavailing. Mexico seemed,

almost without an object, to persevere in the war; and no other alternative was left the executive but to take advantage of the well-known dispositions of Texas, and to invite her to enter into a treaty for annexing her territory to that of the United States.

Since your last session Mexico has threatened to renew the war, and has either made, or proposes to make, formidable preparations for invading Texas. She has issued decrees and proclamations, preparatory to the commencement of hostilities, full of threats, revolting to humanity, and which, if carried into effect, would arouse the attention of all Christendom. This new demonstration of feeling, there is too much reason to believe, has been produced in consequence of the negotiation of the late treaty of annexation with Texas. The executive, therefore, could not be indifferent to such proceedings; and it felt it to be due, as well to itself as to the honor of the country, that a strong representation should be made to the Mexican government upon the subject. This was accordingly done, as will be seen by the copy of the accompanying despatch from the secretary of state of the United States envoy at Mexico. Mexico has no right to jeopard the peace of the world, by urging any longer a useless and fruitless contest. Such a condition of things would not be tolerated on the European continent. Why should it be on this? A war of desolation, such as is now threatened by Mexico, can not be waged without involving our peace and tranquillity. It is idle to believe that such a war could be looked upon with indifference by our own citizens inhabiting adjoining states; and our neutrality would be violated, in despite of all efforts on the part of the government to prevent it. The country is settled by emigrants from the United States, under invitations held out to them by Spain and Mexico. Those emigrants have left behind them friends and relatives, who would not fail to sympathize with them in their difficulties, and who would be led by those sympathies to participate in their struggles, however energetic the action of the government to prevent it. Nor would the numerous and formidable bands of Indians—the most warlike to be found in any land—which occupy the extensive regions contiguous to the states of Arkansas and Missouri, and who are in possession of large tracts of country within the limits of Texas, be likely to remain passive. The inclinations of those numerous tribes lead them invariably to war whenever pretexts exist.

Mexico has no just ground of displeasure against this government or people, for negotiating the treaty. What interest of hers was affected by the treaty? She was despoiled of nothing, since Texas was for ever lost to her. The independence of Texas was recognised by several of the leading powers of the earth. She was free to treat; free to adopt her own line of policy; free to take the course which she believed was best calculated to secure her happiness. Her government and people decided on annexation to the United States; and the executive saw, in the acquisition of such a territory, the means of advancing their permanent happiness and glory. What principle of good faith, then, was violated? what rule of political morals trampled under foot? So far as Mexico herself was concerned, the measure should have been regarded by her as highly beneficial. Her inability to reconquer Texas had been exhibited, I repeat, by the eight (now nine) years of fruitless and ruinous contest. In the meantime, Texas has been growing in population and resources. Emigration has flowed into her territory from all parts of the world, in a current which continues to increase in strength. Mexico requires a per-



manent boundary between that young republic and herself. Texas, at no distant day, if she continues separate and detached from the United States, will inevitably seek to consolidate her strength by adding to her domain the contiguous provinces of Mexico. The spirit of revolt from the control of the central government, has, heretofore, manifested itself in some of those provinces; and it is fair to infer that they would be inclined to take the first favorable opportunity to proclaim their independence, and to form close alliances with Texas. The war would thus be endless; or, if cessations of hostilities should occur, they would only endure for a season. The interests of Mexico, therefore, could in nothing be better consulted than in a peace with her neighbors, which would result in the establishment of a permanent boundary. Upon the ratification of the treaty, the executive was prepared to treat with her on the most liberal basis. Hence the boundaries of Texas were left undefined by the treaty. The executive proposed to settle these upon terms that all the world should have pronounced just and reasonable. No negotiation upon that point could have been undertaken between the United States and Mexico, in advance of the ratification of the treaty. We should have had no right, no power, no authority, to have conducted such a negotiation; and to have undertaken it, would have been an assumption equally revolting to the pride of Mexico and Texas, and subjecting us to the charge of arrogance: while to have proposed, in advance of annexation, to satisfy Mexico for any contingent interest she might have in Texas, would have been to have treated Texas, not as an independent power, but as a mere dependency of Mexico. This assumption could not have been acted on by the executive, without setting at defiance your own solemn declaration that that republic was an independent state. Mexico had, it is true, threatened war against the United States, in the event the treaty of annexation was ratified. The executive could not permit itself to be influenced by this threat. It represented, in this, the spirit of our people, who are ready to sacrifice much for peace, but nothing to intimidation. A war, under any circumstances, is greatly to be deplored, and the United States is the last nation to desire it; but if, as the condition of peace, it be required of us to forego the unquestionable right of treating with an independent power of our own continent, upon matters highly interesting to both, and that upon a naked and unsustained pretension of claim by a third power, to control the free-will of the power with whom we treat—devoted as we may be to peace, and anxious to cultivate friendly relations with the whole world, the executive does not hesitate to say that the people of the United States would be ready to brave all consequences, sooner than submit to such condition. But no apprehension of war was entertained by the executive; and I must express frankly the opinion, that, had the treaty been ratified by the senate, it would have been followed by a prompt settlement, to the entire satisfaction of Mexico, of every matter in difference between the two countries. Seeing, then, that new preparations for hostile invasion of Texas, were about to be adopted by Mexico, and that these were brought about because Texas had adopted the suggestions of the executive upon the subject of annexation, it could not passively have folded its arms and permitted a war, threatened to be accompanied by every act that could mark a barbarous age, to be waged against her, because she had done so.

Other considerations of a controlling character influenced the course of the executive. The treaty which had thus been negotiated, had failed to

receive the ratification of the senate. One of the chief objections which were urged against it, was found to consist in the fact, that the question of annexation had not been submitted to the ordeal of public opinion in the United States. However untenable such an objection was esteemed to be, in view of the unquestionable power of the executive to negotiate the treaty, and the great and lasting interests involved in the question, I felt it to be my duty to submit the whole subject to Congress, as the best expounders of popular sentiment. No definitive action having been taken on the subject by Congress, the question referred itself directly to the decision of the states and the people. The great popular election which has just terminated, afforded the best opportunity of ascertaining the will of the states and the people upon it. Pending that issue, it became the imperative duty of the executive to inform Mexico that the question of annexation was still before the American people, and that, until their decision was pronounced, any serious invasion of Texas would be regarded as an attempt to forestall their judgment, and could not be looked upon with indifference. I am most happy to inform you, that no such invasion has taken place; and I trust that, whatever your action may be upon it, Mexico will see the importance of deciding the matter by a resort to peaceful expedients, in preference to those of arms. The decision of the people and the states, on this great and interesting subject, has been decisively manifested. The question of annexation has been presented nakedly to their consideration. By the treaty itself, all collateral and incidental issues, which were calculated to divide and distract the public councils, were carefully avoided. These were left to the wisdom of the future to determine. It presented, I repeat, the isolated question of annexation; and in that form it has been submitted to the ordeal of public sentiment. A controlling majority of the people, and a large majority of the states, have declared in favor of immediate annexation. Instructions have thus come up to both branches of Congress, from their respective constituents, in terms the most emphatic. It is the will of both the people and the states that Texas shall be annexed to the Union promptly and immediately. It may be hoped that, in carrying into execution the public will, thus declared, all collateral issues may be avoided. Future legislatures can best decide as to the number of states which should be formed out of the territory, when the time has arrived for deciding that question. So with all others. By the treaty, the United States assumed the payment of the debts of Texas, to an amount not exceeding ten millions of dollars, to be paid (with the exception of a sum falling short of four hundred thousand dollars) exclusively out of the proceeds of the sales of her public lands. We could not, with honor, take the lands, without assuming the full payment of all incumbrances upon them.

Nothing has occurred, since your last session, to induce a doubt that the dispositions of Texas remain unaltered. No intimation of an altered determination, on the part of her government and people, has been furnished to the executive. She still desires to throw herself under the protection of our laws, and to partake of the blessings of our federative system; while every American interest would seem to require it. The extension of our coastwise and foreign trade, to an amount almost incalculable—the enlargement of the market for our manufactures—a constantly-growing market for our agricultural productions—safety to our frontiers, and additional strength and stability to the Union—these are the results which would rapidly develop themselves upon the consummation

of the measure of annexation. In such event, I will not doubt but that Mexico would find her true interest to consist in meeting the advances of this government in a spirit of amity.

Nor do I apprehend any serious complaint from any other quarter; no sufficient ground, exists for such complaint. We should interfere in no respect with the rights of any other nation. There can not be gathered from the act any design, on our part, to do so with their possessions on this continent. We have interposed no impediments in the way of such acquisitions of territory (large and extensive as many of them are) as the leading powers of Europe have made, from time to time, in every part of the world. We seek no conquest made by war. No intrigue will have been resorted to, or acts of diplomacy essayed, to accomplish the annexation of Texas. Free and independent herself, she asks to be received into our Union. It is a question for our own decision, whether she shall be received or not.

The two governments having already agreed, through their respective organs, on the terms of annexation, I would recommend their adoption by Congress in the form of a joint resolution, or act, to be perfected and made binding on the two countries when adopted, in like manner, by the government of Texas.

In order that the subject may be fully presented in all its bearings, the correspondence which has taken place in reference to it, since the adjournment of Congress, between the United States, Texas, and Mexico, is herewith transmitted.

The amendments proposed by the senate to the convention concluded between the United States and Mexico on the 20th of November, 1843, have been transmitted, through our minister, for the concurrence of the Mexican government; but, although urged thereto, no action has yet been had on the subject; nor has any answer been given which would authorize a favorable conclusion in the future.

The decree of September, 1843, in relation to the retail trade, the order for the expulsion of foreigners, and that of a more recent date in regard to passports—all of which are considered as in violation of the treaty of amity and commerce between the two countries—have led to a correspondence of considerable length between the minister for foreign relations and our representative at Mexico, but without any satisfactory result. They remain still unadjusted; and many and serious inconveniences have already resulted to our citizens in consequence of them.

Questions growing out of the act of disarming a body of Texan troops, under the command of Major Snively, by an officer in the service of the United States, acting under the orders of our government, and the forcible entry into the customhouse at Bryarly's landing, on Red river, by certain citizens of the United States, and taking away therefrom the goods seized by the collector of the customs, as forfeited under the laws of Texas, have been adjusted, so far as the powers of the executive extend. The correspondence between the two governments, in reference to both subjects, will be found among the accompanying documents. It contains a full statement of all the facts and circumstances, with the views taken on both sides, and the principles on which the questions have been adjusted. It remains for Congress to make the necessary appropriation to carry the arrangement into effect, which I respectfully recommend.

The greatly improved condition of the treasury affords a subject for general congratulation. The paralysis which had fallen on trade and

commerce, and which subjected the government to the necessity of resorting to loans, and the issue of treasury-notes to a large amount, has passed away; and after the payment of upward of seven millions of dollars on account of the interest, and in redemption of more than five millions of dollars of the public debt, which falls due on the 1st of January next, and setting apart upward of two millions of dollars for the payment of outstanding treasury-notes, and meeting an instalment of the debts of the corporate cities of the District of Columbia, an estimated surplus of upward of seven millions of dollars, over and above the existing appropriations, will remain in the treasury at the close of the fiscal year. Should the treasury-notes continue outstanding, as heretofore, that surplus will be considerably augmented. Although all interest has ceased upon them, and the government has invited their return to the treasury, yet they remain outstanding; affording great facilities to commerce, and establishing the fact, that, under a well-regulated system of finance, the government has resources within itself which render it independent, in time of need, not only of private loans, but also of bank facilities.

The only remaining subject of regret is, that the remaining stocks of the government do not fall due at an earlier day; since their redemption would be entirely within its control. As it is, it may be well worthy the consideration of Congress, whether the law establishing the sinking fund (under the operation of which the debts of the revolution and the last war with Great Britain were, to a great extent extinguished) should not, with proper modifications, so as to prevent an accumulation of surpluses, and limited in amount to a specific sum, be re-enacted. Such provision, which would authorize the government to go into the market for a purchase of its own stock on fair terms, would serve to maintain its credit at the highest point, and prevent, to a great extent, those fluctuations in the price of its securities, which might, under circumstances, affect its credit. No apprehension of this sort is, at this moment, entertained; since the stocks of the government which, but two years ago, were offered for sale to capitalists at home and abroad, at a depreciation, and could find no purchasers, are now greatly above par in the hands of the holders; but a wise and prudent forecast admonishes us to place beyond the reach of contingency the public credit.

It must also be a matter of unmingled gratification, that, under the existing financial system (resting upon the act of 1789, and the resolution of 1816), the currency of the country has attained a state of perfect soundness; and the rates of exchange between different parts of the Union, which, in 1841, denoted, by their enormous amount, the great depreciation, and, in fact, worthlessness of the currency in most of the states, are now reduced to little more than the mere expense of transporting specie from place to place, and the risk incidental to the operation. In a new country like that of the United States, where so many inducements are held out for speculation, the depositories of the surplus revenue, consisting of banks of any description, when it reaches any considerable amount, require the closest vigilance on the part of the government. All banking institutions, under whatever denomination they may pass, are governed by an almost exclusive regard to the interest of the stockholders. That interest consists in the augmentation of profits in the form of dividends; and a large surplus revenue intrusted to their custody, is but too apt to lead to excessive loans, and to extravagantly large issues of paper. As a necessary consequence, prices are nominally increased, and the speculative

mania very soon seizes upon the public mind. A fictitious state of prosperity for a season exists, and, in the language of the day, money becomes plenty. Contracts are entered into by individuals, resting on this unsubstantial state of things; but the delusion speedily passes away, and the country is overrun with an indebtedness so weighty as to overwhelm many, and to visit every department of industry with great and ruinous embarrassment. The greatest vigilance becomes necessary on the part of the government to guard against this state of things. The depositories must be given distinctly to understand that the favors of the government will be altogether withdrawn, or substantially diminished, if its revenues shall be regarded as additions to their banking capital, or as the foundations of an enlarged circulation. The government, through its revenue, has at all times an important part to perform in connexion with the currency; and it greatly depends upon its vigilance and care whether the country be involved in embarrassments similar to those which it has had recently to encounter, or, aided by the action of the treasury, shall be preserved in a sound and healthy condition.

The dangers to be guarded against are greatly augmented by too large a surplus of revenue. When that surplus greatly exceeds in amount what shall be acquired by a wise and prudent forecast to meet unforeseen contingencies, the legislature itself may come to be seized with a disposition to indulge in extravagant appropriations to objects, many of which may, and most probably would, be found to conflict with the constitution. A fancied expediency is elevated above constitutional authority; and a reckless and wasteful extravagance but too certainly follow. This important power of taxation, which, when exercised in its most restricted form, is a burden on labor and production, is resorted to, under various pretexts, for purposes having no affinity to the motives which dictated its grant; and the extravagance of government stimulates individual extravagance, until the spirit of a wild and ill-regulated speculation involves one and all in its unfortunate results. In view of such fatal consequences, it may be laid down as an axiom, founded in moral and political truth—that no greater taxes should be imposed than are necessary for an economical administration of the government; and that whatever exists beyond, should be reduced or modified. This doctrine does in no way conflict with the exercise of a sound discrimination in the selection of the articles to be taxed, which a due regard to the public weal would at all times suggest to the legislative mind. It leaves the range of selection undefined; and such selection should always be made with an eye to the great interests of the country. Composed, as is the Union, of separate and independent states, a patriotic legislature will not fail, in consulting the interests of the parts, to adopt such course as will be best calculated to advance the harmony of the whole; and thus insure that permanency in the policy of the government, without which all efforts to advance the public prosperity are vain and fruitless. This great and vitally important task rests with Congress; and the executive can do no more than recommend the general principles which should govern in its execution.

I refer you to the report of the secretary of war for an exhibition of the condition of the army; and recommend to you, as well worthy your best consideration, many of the suggestions it contains. The secretary in no degree exaggerates the great importance of pressing forward, without delay, in the work of erecting and finishing the fortifications, to which he particularly alludes. Much has been done toward placing our cities and

roadsteads in a state of security against the hazards of hostile attack, within the last four years ; but, considering the new elements which have been of late years employed in the propelling of ships, and the formidable implements of destruction which have been brought into service, we can not be too active or vigilant in preparing and perfecting the means of defence. I refer you, also, to his report, for a full statement of the condition of the Indian tribes within our jurisdiction. The executive has abated no effort in carrying into effect the well-established policy of the government, which contemplates a removal of all the tribes residing within the limits of the several states, beyond those limits ; and it is now enabled to congratulate the country at the prospect of an early consummation of this object. Many of the tribes have already made great progress in the arts of civilized life ; and, through the operation of the schools established among them, aided by the efforts of the pious men of various religious denominations who devote themselves to the task of their improvement, we may fondly hope that the remains of the formidable tribes, which were once masters of this country, will, in their transition from the savage state to a condition of refinement and cultivation, add another bright trophy to adorn the labors of a well-directed philanthropy.

The accompanying report of the secretary of the navy will explain to you the situation of that branch of the service. The present organization of the department imparts to its operations great efficiency ; but I concur fully in the propriety of a division of the bureau of construction, equipment, increase, and repairs, into two bureaus. The subjects, as now arranged, are incongruous, and require, to a certain extent, information and qualifications altogether dissimilar.

The operations of the squadron on the coast of Africa have been conducted with all due attention to the object which led to its organization ; and I am happy to say that the officers and crews have enjoyed the best possible health, under the system adopted by the officer in command. It is believed that the United States is the only nation which has by its laws subjected to the punishment of death, as pirates, those who may be engaged in the slave-trade. A similar enactment on the part of other nations would not fail to be attended by beneficial results.

In consequence of the difficulties which have existed in the way of securing titles for the necessary grounds, operations have not yet been commenced toward the establishment of the navy-yard at Memphis. So soon as the title is perfected, no further delay will be permitted to intervene. It is well worthy of your consideration, whether Congress should not direct the establishment of a ropewalk, in connexion with the contemplated navy-yard, as a measure, not only of economy, but as highly useful and necessary. The only establishment of the sort now connected with the service is located at Boston ; and the advantages of a similar establishment, convenient to the hemp-growing region, must be apparent to all.

The report of the secretary presents other matters to your consideration, of an important character in connexion with the service.

In referring you to the accompanying report of the postmaster-general, it affords me continued cause of gratification to be able to advert to the fact, that the affairs of the department, for the last four years, have been so conducted as, from its unaided resources, to meet its large expenditures. On my coming into office, a debt of nearly five hundred thousand dollars existed against the department, which Congress discharged by an

appropriation from the treasury. The department, on the 4th of March next, will be found, under the management of its present efficient head, free of debt or embarrassment; which could only have been done by the observance and practice of the greatest vigilance and economy. The laws have contemplated, throughout, that the department should be self-sustaining; but it may become necessary, with the wisest regard to the public interests, to introduce amendments and alterations in the system. There is a strong desire manifested in many quarters, so to alter the tariff of letter-postage as to reduce the amount of tax at present imposed. Should such a measure be carried into effect, to the full extent desired, it can not well be doubted but that, for the first years of its operation, a diminished revenue would be collected, the supply of which would necessarily constitute a charge upon the treasury. Whether such a result would be desirable, it will be for Congress, in its wisdom, to determine. It may, in general, be asserted as true, that radical alterations in any system should rather be brought about gradually, than by sudden changes; and, by pursuing this prudent policy in the reduction of letter-postage, the department might still sustain itself through the revenue which would accrue by the increase of letters. The state and condition of the public treasury have heretofore been such as to have precluded the recommendation of any material change. The difficulties upon this head have, however, ceased; and a larger discretion is now left to the government.

I can not too strongly urge the policy of authorizing the establishment of a line of steamships regularly to ply between this country and foreign ports, and upon our own waters, for the transportation of the mail. The example of the British government is well worthy of imitation in this respect. The belief is strongly entertained, that the emoluments arising from the transportation of mail-matter to foreign countries would operate of itself, as an inducement to cause individual enterprise to undertake that branch of the task; and the remuneration of the government would consist in the addition readily made to our steam-navy in case of emergency, by the ships so employed. Should this suggestion meet your approval, the propriety of placing such ships under the command of experienced officers of the navy will not escape your observation. The application of steam to the purposes of naval warfare cogently recommends an extensive steam-marine as important in estimating the defences of the country. Fortunately, this may be obtained by us, to a great extent, without incurring any large amount of expenditure. Steam-vessels to be engaged in the transportation of the mails on our principal watercourses, lakes, and parts of our coast, could also be so constructed as to be efficient as war-vessels when needed; and would, of themselves, constitute a formidable force in order to repel attacks from abroad. We can not be blind to the fact that other nations have already added large numbers of steamships to their naval armaments, and that this new and powerful agent is destined to revolutionize the condition of the world. It becomes the United States, therefore, looking to their security, to adopt a similar policy; and the plan suggested will enable them to do so at a small comparative cost.

I take the greatest pleasure in bearing testimony to the zeal and untiring industry which have characterized the conduct of the members of the executive cabinet. Each, in his appropriate sphere, has rendered me the most efficient aid in carrying on the government; and it will not, I

trust, appear out of place for me to bear this public testimony. The cardinal objects which should ever be held in view by those intrusted with the administration of public affairs, are rigidly, and without favor or affection, so to interpret the national will, expressed in the laws, as that injustice should be done to none—justice to all. This has been the rule upon which they have acted; and thus it is believed that few cases (if any) exist, wherein our fellow-citizens, who from time to time have been drawn to the seat of government for the settlement of their transactions with the government, have gone away dissatisfied. Where the testimony has been perfected, and was esteemed satisfactory, their claims have been promptly audited; and this in the absence of all favoritism or partiality. The government which is not just to its own people, can neither claim their affection nor the respect of the world. At the same time, the closest attention has been paid to those matters which relate more immediately to the great concerns of the country. Order and efficiency in each branch of the public service have prevailed, accompanied by a system of the most rigid responsibility on the part of the receiving and disbursing agents. The fact, in illustration of the truth of this remark, deserves to be noticed, that the revenues of the government, amounting in the last four years to upward of one hundred and twenty millions of dollars, have been collected and disbursed, through the numerous governmental agents, without the loss, by default, of any amount worthy of serious commentary.

The appropriations made by Congress for the improvement of the rivers of the west, and of the harbors on the lakes, are in a course of judicious expenditure under suitable agents; and are destined, it is to be hoped, to realize all the benefits designed to be accomplished by Congress. I can not, however, sufficiently impress upon Congress the great importance of withholding appropriations from improvements which are not ascertained, by previous examination and survey, to be necessary for the shelter and protection of trade from the dangers of storms and tempests. Without this precaution, the expenditures are but too apt to enure to the benefit of individuals, without reference to the only consideration which can render them constitutional—the public interests and the general good.

I can not too earnestly urge upon you the interests of this district, over which, by the constitution, Congress has exclusive jurisdiction. It would be deeply to be regretted should there be, at any time, ground to complain of neglect on the part of a community which, detached as it is from the parental care of the states of Virginia and Maryland, can only expect aid from Congress, as its local legislature. Among the subjects which claim your attention, is the prompt organization of an asylum for the insane who may be found, from time to time, sojourning within the district. Such course is also demanded by considerations which apply to branches of the public service. For the necessities in this behalf, I invite your particular attention to the report of the secretary of the navy.

I have thus, gentlemen of the two houses of Congress, presented you a true and faithful picture of the condition of public affairs, both foreign and domestic. The wants of the public service are made known to you; and matters of no ordinary importance are urged upon your consideration. Shall I not be permitted to congratulate you on the happy auspices under which you have assembled, and at the important change in the condition of things which has occurred in the last three years? During that period, questions with foreign powers, of vital importance to the peace of our



country, have been settled and adjusted. A desolating and wasting war with savage tribes has been brought to a close. The internal tranquillity of the country, threatened by agitating questions, has been preserved. The credit of the government, which had experienced a temporary embarrassment, has been thoroughly restored. Its coffers, which, for a season, were empty, have been replenished. A currency, nearly uniform in its value, has taken the place of one depreciated and almost worthless. Commerce and manufactures, which had suffered in common with every other interest, have once more revived; and the whole country exhibits an aspect of prosperity and happiness. Trade and barter, no longer governed by a wild and speculative mania, rest upon a solid and substantial footing; and the rapid growth of our cities, in every direction, bespeaks most strongly the favorable circumstances by which we are surrounded. My happiness, in the retirement which shortly awaits me, is the ardent hope which I experience, that this state of prosperity is neither deceptive nor destined to be short-lived; and that measures which have not yet received its sanction, but which I can not but regard as closely connected with the honor, the glory, and still more enlarged prosperity of the country, are destined, at an early day, to receive the approval of Congress. Under these circumstances, and with these anticipations, I shall most gladly leave to others, more able than myself, the noble and pleasing task of sustaining the public prosperity. I shall carry with me into retirement the gratifying reflection, that, as my sole object throughout has been to advance the public good, I may not entirely have failed in accomplishing it; and this gratification is heightened in no small degree by the fact, that when, under a deep and abiding sense of duty, I have found myself constrained to resort to the qualified veto, it has neither been followed by disapproval on the part of the people, nor weakened in any degree their attachment to that great conservative feature of our government.

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### SPECIAL MESSAGE.

DECEMBER 10, 1844.

*To the Senate and House of Representatives of the United States:—*

I COMMUNICATE to you an extract of a despatch from Mr. Hall to the secretary of state, which has been received by me since my message of the 3d instant, containing the pleasing information that the indemnity assumed to be paid by the republic of Venezuela, in the case of the brig Morris, has been satisfactorily arranged.

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### SPECIAL MESSAGE.

DECEMBER 18, 1844.

*To the Senate and House of Representatives of the United States:—*

I TRANSMIT, herewith, copies of despatches received from our minister at Mexico, since the commencement of your present session, which claim, from their importance, and I doubt not will receive, your calm and delib-

erate consideration. The extraordinary and highly offensive language which the Mexican government has thought proper to employ in reply to the remonstrance of the executive, through Mr. Shannon, against the renewal of the war with Texas while the question of annexation was pending before Congress and the people, and also the proposed manner of conducting that war, will not fail to arrest your attention. Such remonstrance urged in no unfriendly spirit to Mexico, was called for by considerations of an imperative character, having relation as well to the peace of this country and the honor of this government, as to the cause of humanity and civilization. Texas had entered into the treaty of annexation upon the invitation of the executive; and when for that act she was threatened with a renewal of the war on the part of Mexico, she naturally looked to this government to interpose its efforts to ward off the threatened blow. But one course was left the executive, acting within the limits of its constitutional competency—and that was, to protest in respectful, but, at the same time, strong and decided terms, against it. The war thus threatened to be renewed, was promulgated by edicts and decrees, which ordered on the part of the Mexican military the desolation of whole tracts of country, and the destruction, without discrimination, of all ages, sexes, and conditions of existence. Over the manner of conducting war, Mexico possesses no exclusive control. She has no right to violate, at pleasure, the principles which an enlightened civilization has laid down for the conduct of nations at war, and thereby retrograde to a period of barbarism, which, happily for the world, has long since passed away. All nations are interested in enforcing an observance of those principles; and the United States, the oldest of the American republics, and the nearest of the civilized powers to the theatre on which these enormities were proposed to be enacted, could not quietly content themselves to witness such a state of things. They had, through the executive, on another occasion, and, as was believed, with the approbation of the whole country, remonstrated against outrages similar, but even less inhuman than those which, by her new edicts and decrees, she has threatened to perpetrate, and of which the late inhuman massacre at Tabasco was but the precursor.

The bloody and inhuman murder of Fannin and his companions, equalled only in savage barbarity by the usages of the untutored Indian tribes, proved how little confidence could be placed on the most solemn stipulations of her generals; while the fate of others who became her captives in war—many of whom, no longer able to sustain the fatigues and privations of long journeys, were shot down by the wayside, while their companions who survived were subjected to sufferings even more painful than death—had left an indelible stain on the page of civilization. The executive, with the evidence of an intention on the part of Mexico to renew scenes so revolting to humanity, could do no less than renew remonstrances formerly urged. For fulfilling duties so imperative, Mexico has thought proper, through her accredited organs, because she has had represented to her the inhumanity of such proceedings, to indulge in language unknown to the courtesy of diplomatic intercourse, and offensive in the highest degree to this government and people. Nor has she offended in this only. She has not only violated existing conventions between the two countries, by arbitrary and unjust decrees against our trade and intercourse, but withholds instalments of debt due to our citizens, which she solemnly pledged herself to pay, under circumstances which are fully explained by the accompanying letter from Mr. Green, our secretary of

legation. And when our minister has invited the attention of her government to wrongs committed by her local authorities, not only on the property, but on the persons of our fellow-citizens engaged in prosecuting fair and honest pursuits, she has added insult to injury, by not even deigning, for months together, to return an answer to his representations. Still further to manifest her unfriendly feelings toward the United States, she has issued decrees expelling from some of her provinces American citizens engaged in the peaceful pursuits of life; and now denies to those of our citizens prosecuting the whale-fishery on the northwest coast of the Pacific, the privilege which has through all time heretofore been accorded to them—of exchanging goods of a small amount in value, at her ports in California, for supplies indispensable to their health and comfort.

Nor will it escape the observation of Congress, that, in conducting a correspondence with a minister of the United States (who can not and does not know any distinction between the geographical sections of the Union), charges wholly unfounded are made against particular states, and an appeal to others for aid and protection against supposed wrongs. In this same connexion, sectional prejudices are attempted to be excited, and the hazardous and unpardonable effort is made to foment divisions among the states of the Union, and thereby embitter their peace. Mexico has still to learn that, however freely we may indulge in discussion among ourselves, the American people will tolerate no interference in their domestic affairs by any foreign government; and in all that concerns the constitutional guarantees and the national honor, the people of the United States have but one mind and one heart.

The subject of annexation addresses itself most fortunately to every portion of the Union. The executive would have been unmindful of its highest obligations, if it could have adopted a course of policy dictated by sectional interests and local feelings. On the contrary, it was because the question was neither local nor sectional, but made its appeal to the interests of the whole Union, and of every state in the Union, that the negotiation, and finally the treaty of annexation, was entered into; and it has afforded me no ordinary pleasure to perceive, that, so far as demonstrations have been made upon it by the people, they have proceeded from all portions of the Union. Mexico may seek to excite divisions among us, by uttering unjust denunciations against particular states; but when she comes to know that the invitations addressed to our fellow-citizens by Spain, and afterward by herself, to settle Texas, were accepted by emigrants from all the states—and when, in addition to this, she refreshes her recollection with the fact, that the first effort which was made to acquire Texas, was during the administration of a distinguished citizen from an eastern state, which was afterward renewed under the auspices of a president from the southwest—she will awake to a knowledge of the futility of her present purpose of sowing dissensions among us, or producing distraction in our councils, by attacks either on particular states, or on persons who are now in the retirement of private life.

Considering the appeal which she now makes to eminent citizens by name, can she hope to escape censure for having ascribed to them, as well as to others, a design, as she pretends now for the first time revealed, of having originated negotiations to despoil her, by duplicity and falsehood, of a portion of her territory? The opinion then, as now, prevailed with the executive, that the annexation of Texas to the Union was a matter of vast importance. In order to acquire that territory before it had assumed

a position among the independent powers of the earth, propositions were made to Mexico for a cession of it to the United States. Mexico saw in these proceedings, at the time, no cause of complaint. She is now, when simply reminded of them, awakened to the knowledge of the fact, which she, through her secretary of state, promulgates to the whole world as true—that those negotiations were founded in deception and falsehood, and superinduced by unjust and iniquitous motives. While Texas was a dependency of Mexico, the United States opened negotiations with the latter power for the cession of her then acknowledged territory; and now that Texas is independent of Mexico, and has maintained a separate existence for nine years—during which time she has been received into the family of nations, and is represented by accredited ambassadors at many of the principal courts of Europe—and when it has become obvious to the whole world that she is for ever lost to Mexico, the United States is charged with deception and falsehood in all relating to the past; and condemnatory accusations are made against states which have had no special agency in the matter, because the executive of the whole Union has negotiated with free and independent Texas, upon a matter vitally important to the interests of both countries. And after nine years of unavailing war, Mexico now announces her intention, through her secretary of foreign affairs, never to consent to the independence of Texas, or to abandon the effort to reconquer that republic. She thus announces a perpetual claim, which at the end of a century will furnish her as plausible a ground for discontent against any nation which at the end of that time may enter into a treaty with Texas, as she possesses at this moment against the United States. The lapse of time can add nothing to her title to independence.

A course of conduct such as has been described on the part of Mexico, in violation of all friendly feeling, and of the courtesy which should characterize the intercourse between the nations of the earth, might well justify the United States in a resort to any measures to vindicate their national honor; but actuated by a sincere desire to preserve the general peace, and in view of the present condition of Mexico, the executive, resting upon its integrity, and not fearing but that the judgment of the world will duly appreciate its motives, abstains from recommending to Congress a resort to measures of redress, and contents itself with reurging upon that body prompt and immediate action on the subject of annexation. By adopting that measure, the United States will be in the exercise of an undoubted right; and if Mexico, not regarding their forbearance, shall aggravate the injustice of her conduct by a declaration of war against them, upon her head will rest all the responsibility.

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## SPECIAL MESSAGE.

JANUARY 22, 1845.

*To the Senate and House of Representatives of the United States:—*

I COMMUNICATE, herewith, an abstract of the treaty between the United States of America, and the Chinese empire, concluded at Wang Hiya on the 3d of July last, and ratified by the senate on the 16th instant; and which, having also been ratified by the emperor of China, now awaits

only the exchange of the ratifications in China ; from which it will be seen that the special mission authorized by Congress for this purpose has fully succeeded in the accomplishment, so far, of the great objects for which it was appointed, and in placing our relations with China on a new footing, eminently favorable to the commerce and other interests of the United States.

In view of the magnitude and importance of our national concerns, actual and prospective, in China, I submit to the consideration of Congress the expediency of providing for the preservation and cultivation of the subsisting relations of amity between the United States and the Chinese government, either by means of a permanent minister, or commissioner with diplomatic functions, as in the case of certain of the Mohammedan states. It appears, by one of the extracts annexed, that the establishment of the British government in China consists both of a plenipotentiary and also of paid consuls for all the Five Ports, one of whom has the title and exercises the functions of consul-general ; and France has also a salaried consul-general ; and the interests of the United States seem, in like manner, to call for some representative in China of a higher class than an ordinary commercial consulate.

I also submit to the consideration of Congress the expediency of making some special provision, by law, for the security of the independent and honorable position which the treaty of Wang Hiya confers on citizens of the United States residing or doing business in China. By the 21st and 25th articles of the treaty (copies of which are subjoined *in extenso*), citizens of the United States in China are wholly exempted, as well in criminal as in civil matters, from the local jurisdiction of the Chinese government, and made amenable to the laws, and subject to the jurisdiction of the appropriate authorities of the, United States alone. Some action on the part of Congress seems desirable, in order to give full effect to these important concessions of the Chinese government.

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## SPECIAL MESSAGE.

FEBRUARY 4, 1845.

*To the Senate of the United States :—*

IN compliance with the resolution of the senate of the 5th December, I herewith transmit copies of the proceedings in the case of the inquiry into the official conduct of Silas Reed, principal surveyor of Missouri and Illinois, together with all the complaints against him, and all the evidence taken in relation thereto. I did not consider the irregularities into which the surveyor-general had fallen as of sufficient magnitude to induce his dismissal from office at the time that the papers reached me, having become convinced, upon inquiry of the commissioner of the general land office, of the ability, efficiency, and fidelity of the surveyor-general in all things appertaining to his office ; but, since the passage of the resolution by the senate, I regarded the matter as so augmented in importance as to induce me to refer the subject to the commissioner of the general land office, for a minute and thorough examination. A copy of the report which he has made, and also the defence of Doctor Reed, accompanies the papers. It has seemed to me that the fact set forth by the report exhibit certain irreg-

ularities which are properly reprehensible, but from which neither the surveyor-general, in a pecuniary point of view, derived profit, nor the government sustained loss, and which the reproof contained in the commissioner's report will in all future cases restrain; while the high testimony borne by the commissioner to the generally excellent deportment in office of the surveyor-general has seemed to me to mark the case more as one meriting disapproval, and correction in future, than the severe punishment of dismissal.

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## SPECIAL MESSAGE.

FEBRUARY 17, 1845.

*To the House of Representatives of the United States:—*

IN compliance with the resolution of the house of representatives of the 30th of December last, requesting information with reference to indemnities for claims of citizens of the United States upon the Mexican government, I transmit herewith a report from the secretary of state, and the documents which accompanied it.

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## SPECIAL MESSAGE.

FEBRUARY 19, 1845.

*To the Senate of the United States:—*

IN answer to the resolution of the senate of the 11th December, 1844, requesting the president "to lay before the senate, if in his judgment that may be done without prejudice to the public interests, a copy of any instructions which may have been given by the executive to the American minister in England, on the subject of the title to and occupation of the territory of Oregon, since the 4th day of March, 1841; also, a copy of any correspondence which may have passed between this government and that of Great Britain, or between either of the two governments and the minister of the other, in relation to that subject, since that time;" I have to say that, in my opinion, as the negotiation is still pending, the information sought for can not be communicated without prejudice to the public service.

I deem it, however, proper to add, that considerable progress has been made in the discussion, which has been carried on in a very amicable spirit between the two governments; and that there is reason to hope that it may be terminated, and the negotiation brought to a close, within a short period.

I have delayed answering the resolution, under the expectation, expressed in my annual message, that the negotiation would have been terminated before the close of the present session of Congress, and that the information called for by the resolution of the senate might be communicated.

## REVENUE-CUTTER VETO MESSAGE.

FEBRUARY 20, 1845.

*To the Senate of the United States :—*

I HEREWITH return the bill entitled, "An act relating to revenue-cutters and steamers," with the following objections to its becoming a law :—

The executive has found it necessary, and esteemed it important to the public interests, to direct the building of two revenue-boats, to be propelled by wind or steam, as occasion may require ; the one for the coast of Georgia, and the other for Mobile bay, to be used as despatch vessels if necessary. The models have been furnished by the navy department, and side wheels have been ordered, as being best tested, and least liable to failure. The one boat is directed to be built at Richmond, Virginia ; the other at Pittsburg, Pennsylvania ; and contracts have been regularly entered into for their construction. The contractors have made and are making all necessary arrangements in procuring materials and sites for building, &c., and have doubtless been at considerable expense in the necessary preparations for completing their engagements. It was no part of the intention of the senate in originating the bill, I am well convinced, to violate the sanctity of contracts regularly entered into by the government. The language of the act, nevertheless, is of a character to produce, in all probability, that effect. Its language is, "that no revenue-cutter or revenue-steamer shall hereafter be built (*excepting such as are now in the course of building or equipment*), nor purchased, unless an appropriation be first made by law therefor." The *building* of the two cutters under contract can not be said properly to have commenced, although preparations have been made for building ; but even if the construction be ambiguous, it is better that all ambiguity should be removed, and thus the hazard of violating the pledged faith of the country be removed along with it.

I am free to confess, that, existing contracts being guarded and protected, the law to operate *in futuro* would be regarded as both proper and wise.

With these objections, I return the bill to the house in which it originated, for its final constitutional action.

## SPECIAL MESSAGE.

FEBRUARY 20, 1845.

*To the Senate and House of Representatives of the United States :—*

I TRANSMIT, herewith, for the information of Congress, copies of certain despatches recently received from Mr. Wise, our envoy extraordinary and minister plenipotentiary at the court of Brazil, upon the subject of the slave-trade, developing the means used, and the devices resorted to, in order to evade existing enactments upon that subject.

Anxiously desirous as are the United States to suppress a traffic so revolting to humanity, in the efforts to accomplish which they have been the pioneers of civilized states, it can not but be a subject of the most profound regret that any portion of our citizens should be found acting in

co-operation with the subjects of other powers in opposition to the policy of their own government, thereby subjecting to suspicion, and to the hazard of disgrace, the flag of their own country. It is true that this traffic is carried on altogether in foreign ports, and that our own coasts are free from its pollution : but the crime remains the same wherever perpetrated ; and there are many circumstances to warrant the belief that some of our citizens are deeply involved in its guilt. The mode and manner of carrying on this trade are clearly and fearlessly set forth in the accompanying documents ; and it would seem that a regular system has been adopted for the purpose of thwarting the policy and evading the penalties of our laws. American vessels, with the knowledge (as there are good reasons to believe) of the owners and masters, are *chartered*, or rather purchased, by notorious slave-dealers in Brazil, aided by English brokers and capitalists, with this intent. The vessel is only nominally chartered at so much per month ; while, in truth, it is actually sold, to be delivered on the coast of Africa ; the charter party binding the owners, in the meantime, to take on board, *as passengers*, a new crew in Brazil, who, when delivered on the coast, are to navigate her back to the ports of Brazil with her cargo of slaves. Under this agreement, the vessel clears from the United States for some port in Great Britain, where a cargo of merchandise, known as "coast goods," and designed especially for the African trade, is purchased, shipped, and consigned, together with the vessel, either directly to the slave-dealer himself, or to his agents or accomplices in Brazil. On her arrival, a new crew is put on board *as passengers*, and the vessel and cargo consigned to an equally guilty factor or agent on the coast of Africa, where the unlawful purpose, originally designed, is finally consummated. The merchandise is exchanged for slaves ; the vessel is delivered up ; her name obliterated ; her papers destroyed ; her American crew discharged, to be provided for by the charterers, and the new or *passenger* crew put in command, to carry back its miserable freight to the first contrivers of the voyage, or their *employees* in Brazil.

During the whole progress of this tortuous enterprise, it is possible that neither the American crew originally enlisted, nor the *passenger* crew put on board in the Brazilian ports, are aware of the nature of the voyage ; and yet it is on these, principally, ignorant if not innocent, that the penalties of the law are inflicted ; while the guilty contrivers—the charterers, brokers, owners, and masters—in short, all who are most deeply concerned in the crime and its rewards, for the most part escape unpunished.

It will be seen, from the examinations which have recently taken place at Rio, that the subjects of her Britannic majesty, as well as our own citizens, are deeply implicated in this inhuman traffic. British factors and agents, while they supply Africa with British fabrics in exchange for slaves, are chiefly instrumental in the abuse of the American flag ; and the suggestions contained in the letter of Mr. Wise (whose judicious and zealous efforts in the matter can not be too highly commended), addressed to Mr. Hamilton, the British envoy, as to the best mode of suppressing the evil, deserve your most deliberate consideration—as they will receive, I doubt not, that of the British government.

It is also worthy of consideration, whether any other measures than those now existing are necessary to give greater efficacy to the just and humane policy of our laws, which already provide for the restoration to Africa of slaves captured at sea by American cruisers. From time to time, pro-



vision has been made by this government for their comfortable support and maintenance, during a limited period after their restoration ; and it is much to be regretted that this liberal policy has not been adopted by Great Britain. As it is, it seems to me that the policy it has adopted is calculated rather to perpetuate than to suppress the trade, by enlisting very large interests in its favor. Merchants and capitalists furnish the means for carrying it on ; manufactures, for which the negroes are exchanged, are the products of her workshops ; the slaves, when captured, instead of being returned back to their homes, are transferred to her colonial possessions in the West Indies, and made the means of swelling the amount of their products, by a system of apprenticeship for a term of years ; and the officers and crew who capture the vessels receive, on the whole number of slaves, so many pounds sterling *per capita*, by way of bounty.

It must be obvious, that while these large interests are enlisted in favor of its continuance, it will be difficult, if not impossible, to suppress the nefarious traffic, and that its results would be in effect but a continuance of the slave-trade of another and more cruel form ; for it can be but a matter of little difference with the African, whether he is torn from his country and transported to the West Indies as a slave in the regular course of the trade, or captured by a cruiser, transported to the same place, and made to perform the same labor, under the name of an apprentice, which is at present the practical operation of the policy adopted.

It is to be hoped that her Britannic majesty's government will, upon a review of all the circumstances stated in these despatches, adopt some efficient measures for the suppression of the trade which she has so long attempted to put down, with, as yet, so little success, and more consonant with the original policy of restoring the captured African to his home.

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## SPECIAL MESSAGE.

FEBRUARY 21, 1845.

*To the House of Representatives of the United States :—*

IN compliance with your resolution of the 23d of January last, asking information "if any, and what, officers of the United States have been guilty of embezzlement of public money since the 19th of August, 1841 ; and further, whether such officers have been criminally prosecuted for such embezzlement ; and, if not, that the reasons why they have not been so prosecuted be communicated," I herewith transmit letters from the secretaries of the treasury, war, and navy departments, and the postmaster-general, and from various heads of bureaus, from which it will be seen that no case of embezzlement by any person holding office under the government is known to have occurred since the 19th of August, 1841, unless exceptions are to be found in the cases of the postmaster at Tompkinsville, Kentucky, who was instantly removed from office, and all papers necessary for his prosecution were transmitted to the United States district attorney ; and John Flanagan, superintendent of lead-mines of the upper Mississippi, who was also removed, and whose place of residence, as will be seen by the letter of the head of the ordnance bureau, has been, and still is, unknown.

## ADMINISTRATION OF TYLER.

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IN consequence of the decease of William H. Harrison, president of the United States, on the 4th of April, 1841, being one month after his inauguration, the duties of the executive office devolved upon John Tyler, the vice-president, elected at the same time with President Harrison. Immediately after the decease of the president, Mr. Fletcher Webster, chief clerk in the department of state, accompanied by Mr. Beall, an officer of the senate, set out for the residence of the vice-president, in Virginia, bearing to him the following letter :—

“ WASHINGTON, April 4, 1841.

“ TO JOHN TYLER, VICE-PRESIDENT OF THE UNITED STATES :—

“ SIR : It has become our most painful duty to inform you that William Henry Harrison, late president of the United States, has departed this life.

“ This distressing event took place this day, at the president's mansion, in this city, at thirty minutes before one, in the morning.

“ We lose no time in despatching the chief clerk in the state department, as a special messenger to bear you the melancholy tidings.

“ We have the honor to be, with the highest regard your obedient servants.

“ DANIEL WEBSTER, *Secretary of State*,

“ THOMAS EWING, *Secretary of the Treasury*,

“ JOHN BELL, *Secretary of War*,

“ JOHN J. CRITTENDEN, *Attorney-General*,

“ FRANCIS GRANGER, *Postmaster-General*.”

By the extraordinary despatch used in sending the official intelligence to the vice-president, at Williamsburg, and a similar despatch by him in repairing to the seat of government, Mr. Tyler arrived in Washington on Tuesday morning, the 6th of April, at four o'clock, and took lodgings at Brown's hotel.

At twelve o'clock all the heads of departments, with the exception of the secretary of the navy, Mr. Badger, who was then absent on a visit to his family, waited upon President Tyler, to pay him their official and personal respects. They were received by him with politeness and kindness. He signified his deep feeling of the public calamity sustained by the death of

President Harrison, and expressed his profound sensibility to the heavy responsibilities so suddenly devolved upon himself. He spoke of the present state of things with great concern and seriousness, and made known his wishes that the several heads of departments would continue to fill the places which they then respectively occupied; and expressed his confidence that they would afford all the aid in their power to enable him to carry on the administration of the government successfully.

The president then took and subscribed the following oath of office:—

"I do solemnly swear, that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect, and defend, the constitution of the United States.

"JOHN TYLER.

"April 6, 1841."

"DISTRICT OF COLUMBIA, }  
"City and County of Washington, } ss.

"I, William Cranch, chief judge of the circuit court of the District of Columbia, certify that the above-named John Tyler personally appeared before me this day, and although he deems himself qualified to perform the duties and exercise the powers and office of president, on the death of William Henry Harrison, late president of the United States, without any other oath than that which he has taken as vice-president, yet, as doubts may arise, and for greater caution, took and subscribed the foregoing oath before me.

"W. CRANCH.

"April 6, 1841."

On the following day, the new president attended the funeral of President Harrison, taking the place assigned him in the procession, following the heads of departments, after the family and relations of the late president. Two days after this solemn pageant was over, an inaugural address to the people of the United States, which will be found in the preceding pages, was issued by President Tyler, through the public press; the principles of which address gave general satisfaction. Although some of the expressions were somewhat ambiguous, the whig party was relieved from anxiety by the general tone and sentiments of the address; and confidence was felt that the president would co-operate with the majority of Congress in carrying out the views and desires of those by whom he had been elected. There were those, however, among the prominent whigs (of whom the late Hon. Samuel L. Southard, of New Jersey, and then president of the senate *pro tem.*, was one), who had long known Mr. Tyler, and carefully observed his course in the councils of the nation, who apprehended that he would carry with him into the presidency his peculiar notions of a strict construction of the constitution, imbibed in the Virginia school of democracy, involving principles which, if carried out, would prove repugnant to the views of public policy entertained by

the whig party, and defeat measures which they deemed necessary to restore the prosperity of the country. Nor were these apprehensions allayed, even when Mr. Tyler was understood to have said, on his arrival at Washington, after the death of Harrison, "You have but exchanged one whig for another."

The cabinet which had been appointed by General Harrison, was retained by President Tyler, namely, Daniel Webster, of Massachusetts, secretary of state; Thomas Ewing, of Ohio, secretary of the treasury; John Bell, of Tennessee, secretary of war; George E. Badger, of North Carolina, secretary of the navy; Francis Granger, of New York, postmaster-general; John J. Crittenden, of Kentucky, attorney-general. The retention of this cabinet, distinguished for its ability and for its possession of the confidence of the whig party, tended to confirm the feelings of hope and confidence inspired by the inaugural address of President Tyler.

In conformity with the general feelings of sorrow and regret which pervaded the public mind on the death of the chief magistrate of the nation, his successor recommended a day of fasting and prayer, to be observed by the people of the United States.

In entering upon the duties of the office of president, Mr. Tyler did not feel (to use his own words, in his message to Congress) that it would be becoming in him to disturb what had been ordered by his lamented predecessor. He therefore concurred in the measure which had been adopted by President Harrison, of convening Congress in extra session on the 31st of May. "His own first wish," he stated, "in the circumstances in which he was so unexpectedly placed, would have been, to have called to his aid, in the administration of public affairs, the combined wisdom of the two houses of Congress, in order to take their counsel and advice as to the best mode of extricating the government and the country from the embarrassments weighing heavily on both."

After the call of the extra session, and previous to the meeting, members of Congress were elected in the states of Connecticut, Rhode Island, Maryland, Virginia, North Carolina, Alabama, Kentucky, Tennessee, Indiana, Illinois, and Missouri. The state of Mississippi was not represented at the extra session, as no special election was ordered, and the annual election in that state took place in the month of November following. The members from Illinois were elected at the annual election in August, and took their seats in the house during the session.

The result of the elections at this time were equally favorable to the whig party with those which took place in 1840, immediately preceding the presidential election. The majority in favor of the new administration in the 27th Congress, according to the returns of members elect, was seven in the senate, and one vacancy; and about fifty in the house of representatives.

The hopes of the democratic incumbents in office, which were awa-

kened on the accession of Mr. Tyler to the presidency, were soon dissipated by the course he felt bound to pursue with regard to removals and appointments. The applications and importunities of office-seekers, which had commenced immediately after the inauguration of President Harrison, and which were temporarily suspended by his death, were renewed with increased vigor after his successor was invested with the power and patronage of the executive. A few days only had transpired after his accession, when the removal of the friends of the late administration from office was commenced by the new president; and their places were filled by whigs and conservatives. The removals and appointments continued to follow each other in rapid succession, and a similar course was pursued by the postmaster-general, with the sanction of the president, with respect to the numerous postmasters throughout the Union. President Tyler thus showed a disposition to gratify the desires and expectations of his political friends, with regard to office, even before the senate had an opportunity to act on the subject.

A brief review and notice of political parties in the United States, at this period, is deemed appropriate in this place, for the purpose of showing the position of the president and the new administration, with regard to measures of public policy and the course of events.

We have seen, in the sketches already given of various administrations, that the federal party which was thrown into the minority on the accession of Jefferson, and continued in opposition to the administration of that president, and that of his successor, Mr. Madison, became extinct, as a national party, soon after the termination of the war with Great Britain in 1815. In some of the states the name was kept up for a short period, but after a few feeble struggles the name of federalist became so unpopular that it was abandoned during the administration of President Monroe, whose management of the affairs of the nation was so satisfactory to all parties, that opposition for a time ceased. The parties which were subsequently formed for the support of Adams, Jackson, Crawford, and Clay, for the presidency, were more of a personal character than marked by distinct political principles; those who had been called federalists as well as democrats being found among the adherents of each of those candidates for the presidency. When General Jackson was elected president, his supporters claimed the name of democrats, and his opponents at first called themselves national republicans, but when joined by seceders from the administration ranks, in 1833 and '34, they took the name of whigs. Thus the two great national parties which divided the country at the accession of Mr. Van Buren to the presidency, in 1837, were respectively known by the name of democrats and whigs. With the latter, several minor parties of more limited extent, or local in character, generally acted, and the greater portion of these parties gradually became amalgamated with, and formed part of, the whig party. Such were the anti-masons of the mid-

ble and eastern states ; the state-rights men of the south who disapproved of the removal of the public deposits from the United States bank, and other acts of General Jackson ; and those supporters of General Jackson in Tennessee, Georgia, and other states, who were opposed to Mr. Van Buren as his successor.

The party called democratic, which supported the administration of General Jackson, and Mr. Van Buren as his successor, became themselves divided, particularly in the northern and middle states, even previous to the election of the latter to the presidency. In 1835, there arose in the city of New York, in the ranks of the democratic party, a combination in opposition to banks and other moneyed institutions, which afterward took the name of locofocos, or equal-rights party. The working-men's party, which arose in the cities of New York and Philadelphia, in 1829, and dissolved in about two years afterward, was the progenitor, to some extent, of the locofoco or equal-rights party. Certain it is, that most of the measures advocated by the former (some of which were introduced into the United States from Great Britain, by Mr. Robert Dale Owen and Miss Frances Wright, who for some time published a newspaper in New York, called "The Free Enquirer") were decidedly popular with the latter, and both were equally hostile to banks, and other moneyed institutions, which they considered monopolies. Nevertheless, it was Andrew Jackson, in his contest with the bank of the United States, who enkindled the highest opposition in that direction, and the enthusiasm which he excited against the national bank soon extended itself to state banks. The New York election of 1834, with the strong pledge against monopolies which the candidates for members of Congress and the legislature, of the democratic party in that city, were required to sign, together with speeches and resolutions of the same character, at political meetings, as well as the circumstances previously mentioned, all combined to plant deeply in the minds of that party the seeds of hostility to monopolies. Consequently, the democratic party became divided within itself. On the one side (in favor of banks and other corporations) were the great majority of the leading men of the party, and nearly all the office-holders under the general, state, and city administrations ; on the other, comprising then but a small section, composed principally of mechanics and other working-men, were those calling themselves free-trade, anti-monopoly, hard-money men.\*

The equal-rights party at first deemed it advisable to exercise great caution and secrecy in their movements. It required both moral and physical courage to attack the usages and organization of the democratic party, which were then controlled by those favorable to banking institutions. But at the election in the city of New York, for a member of Congress and members of the legislature, in the autumn of 1835, it was deter

\* Byrdsall's History of the Locofoco or Equal-Rights Party.

mined to oppose the nomination of certain persons who were brought forward by the friends of banks.

At a meeting on the evening of the 29th of October, 1835, of the democratic party, at Tammany Hall (the usual place of such meetings), for the purpose of adopting a ticket to be supported at the approaching election, opposition was made by the anti-bank portion of the meeting, to certain names on the ticket. A struggle took place for the chair, between the two sections of the party; but the friends of banks having placed their leader in the chair, and declared their ticket and resolutions adopted, attempted to adjourn the meeting and put out the lights. Their opponents being prepared for the occasion, by means of *locofoco* matches carried with them for the purpose, instantly restored the light in the room, placed their leader in the chair, adopted an equal-rights democratic ticket, and passed sundry resolutions against banks and paper-money, avowing themselves in favor of gold and silver as the only circulating medium of the country.

Thus was formed a new party, the supporters of which were forthwith denominated by their opponents, "*locofocos*," a name which was gradually extended to the entire democratic party of the Union. Although this new section of the party was at first inconsiderable in number, giving but about four thousand votes at the election in the city of New York in 1835, apprehensions were entertained by the leading men of the democratic party, that the principles thus avowed might extend in their ranks, and cause disunion and defeat to the friends of the administration of Jackson and Van Buren. Efforts were therefore made to conciliate the equal-rights party, and prevent their separation from the ranks of the democracy. Their favorite candidate for president, Colonel Richard M. Johnson, of Kentucky, was nominated for vice-president on the ticket with Mr. Van Buren, and elected to that office by the friends of the latter. Numerous banks were incorporated by the democratic majority in the legislature of the state of New York, as well as several other states, in the year 1836, after which a pause took place in chartering those institutions; which cessation of bank-making, however, was partly occasioned by the pecuniary embarrassments which overtook the concerns of the country in 1837.

The recommendation of a separation of the financial concerns of the United States government from the state banks, brought forward by President Van Buren, in his message at the extra session of Congress in 1837, created a division in the ranks of the supporters of his administration, which was first exhibited in Congress, but soon extended among the people. Those democrats who were opposed to an exclusive specie currency, and the sub-treasury scheme recommended by Mr. Van Buren, and those in favor of banks as depositories of the public moneys, became a distinct section of the party, and were called "*conservatives*." Those who adhered to these views eventually joined the whigs, in opposition to Mr. Van

Buren's administration, and in 1840 aided in the election of Harrison and Tyler.

With regard to the state-rights men, or those originally attached to the democratic party, who had disapproved of the removal of the deposits from the bank of the United States, and some other acts of General Jackson; most of them opposed the administration of Mr. Van Buren, and eventually amalgamated with the whig party. A considerable portion of the state-rights men, however, among whom was Mr. John C. Calhoun, and a majority of the people of South Carolina, left the whigs, soon after the accession of Mr. Van Buren to the presidency, and became supporters of his administration, particularly sustaining his views respecting the sub-treasury and other currency measures. Consequently, the vote of South Carolina was given to Mr. Van Buren, when he was a candidate for re-election to the presidency, in 1840.

The election of 1840, which elevated General Harrison and Mr. Tyler to power, was effected by the joint efforts of the whigs and conservatives, the latter, for all practical purposes, becoming merged in the whig party. The party which supported the re-election of Mr. Van Buren in 1840, calling themselves democrats, while their opponents gave them the name of locofocos, were then united throughout the country in advocating the measures of Mr. Van Buren's administration, particularly his recommendation of a sub-treasury, or the separation of the national funds from the state banks, and the collection of the public revenues in gold and silver.

After his nomination for vice-president, in 1840, and previous to the election, Mr. Tyler avowed himself a firm and decided whig, stating that on the subjects of Mr. Clay's compromise tariff law then in operation, which he considered a protective tariff, and the distribution of the proceeds of the sales of the public lands among the states, he concurred with Mr. Clay and General Harrison. On the subject of a national bank, he said, in a letter replying to one from the democratic citizens of Steubenville, in October, 1840: "My opinion of the power of Congress to charter a bank of the United States remains unchanged. There is not in the constitution any express grant of power for such a purpose, and it never could be constitutional to exercise that power, save in the event that the powers granted to Congress could not be carried out without resorting to such an institution." In another letter to several citizens of Henrico county, Virginia, dated in October, 1840, he remarked: "My votes are repeatedly recorded on the journals of Congress, against the power of Congress over the subject of internal improvement, in all its phases and aspects, as well in regard to roads and canals, as to harbors and rivers. The first, viz., appropriations to roads and canals, have well nigh entirely ceased, while annual appropriations, to a large amount, have been made to harbors and rivers, with the sanction and approval of the president of the United States."



The twenty-seventh Congress met in extra session, on the 31st day of May, 1841. The session closed on the 13th of September following. John White, a whig member from Kentucky, was elected speaker of the house of representatives, having received on the first vote, *viva voce*, 121 votes, against 84 for John W. Jones, of Virginia (democrat), and 16 scattering. In the senate, as already stated, there was also a decided majority in favor of the administration.

A committee of the house being proposed to join one from the senate, as usual, to wait on the president of the United States, and inform him that a quorum of the two houses had assembled, and that Congress was ready to proceed to business, &c., Mr. M'Keon, of New York, moved to amend the resolution appointing the committee, by striking out the word "president," and inserting the words "vice-president, now occupying the office of president of the United States." This motion Mr. M'Keon supported in a constitutional argument, which was replied to by Mr. Wise, of Virginia, and the amendment was rejected, and the original resolution adopted, by which the house recognised John Tyler as president of the United States.

The message of the president was generally well received by the friends of the new administration. Though cautiously worded on the subject of a national bank, and somewhat ambiguous as to his own views with regard to such an institution, it was believed that he would sanction any bill that might receive the support of a majority of both houses of Congress, for the incorporation of a bank or fiscal agent, for the regulation of the currency, and for managing the funds of the government.

At the opening of the session, the president's message was accompanied by the report of the secretary of the treasury. This paper earnestly recommended the establishment of a bank. It added: "If such an institution can be so conceived in principle and guarded in its details as to remove all scruples touching the question of constitutional power, and thus avoid the objections which have been urged against those heretofore created by Congress, it will, in the opinion of the undersigned, produce the happiest results, and confer lasting and important benefits on the country."

The bank was thus brought distinctly to the consideration of Congress, both by the president and the secretary.

The president was desirous that Congress should call on the secretary to report a plan for a bank. He expressed this wish to more than one member, immediately upon the opening of the session; in fact, invited the call. Mr. Wise, his confidential friend, introduced a resolution to this end into the house, on the 3d of June. Mr. Clay did the same thing in the senate, on the 7th of June.

On the 12th of June, the secretary, Mr. Ewing, made his report, and with it a bill for the incorporation of "The Fiscal Bank of the United States."

This bill was represented by the secretary as creating an institution, in the general plan and frame of which he had endeavored to free it from the constitutional objections which have been urged against those heretofore created by Congress.

This plan accordingly differed from the former bank of the United States in two essential characteristics—both of which, it was understood, were introduced upon Mr. Tyler's suggestion, and in deference to his peculiar views of the constitution.

First, it proposed a bank to be incorporated in the District of Columbia.

Second, it was to have the power to establish branches only with the assent of the states.

Many provisions were made to guard against the abuses which were known or alleged to have crept into the former banks.\*

The amount of capital named was thirty millions of dollars; in other respects—in privilege of discount and exchange, &c.—the institution proposed was similar to the two former banks incorporated by Congress.

This plan of a national bank proposed by the secretary of the treasury, received the approbation of every member of the cabinet, as the only plan which would be likely to succeed, considering the opinions of the acting president. Mr. Webster afterward remarked, that "it was the part of wisdom, not to see how much of a case they could make out against the president, but how they could get on as well as they might with the president." Mr. Wise, a confidential friend of the president, in a letter written after the extra session, observed, that "the secretary of the treasury, Mr. Ewing himself, proposed a plan which he recommended to Congress as one which would conduct our finances and commerce, equalize exchanges, regulate currency, and avoid all constitutional difficulties. This was the very desideratum, if it was what he described it to be, and this was emphatically, by a whig administration recommendation from the proper department, said to be acquiesced in by the president, and it was called for by both houses of Congress. It was justly regarded as the whig measure of the first moment, and would as such have been met and treated doubtless by the opposition or Van Buren party."

Mr. Ewing's report and bill were referred in the senate to the select committee on the currency, of which Mr. Clay was chairman. That committee reported, on the 21st of June, a bill in all essential features the same as that proposed by the secretary of the treasury and supposed to have been approved by the president, with one exception. That exception regarded the establishment of branches.

The bank, on this plan, as well as in the other, was to be situated in the District of Columbia (at Washington city); it was to have the same capital of thirty millions—with a provision for future increase, if Congress should think it advisable, to fifty millions.

\* Kennedy's Defence of the Twenty-seventh Congress.

It provided for a government subscription of ten millions, instead of the secretary's six; and it dispensed with the fourth instalment of the surplus revenue, amounting to upward of nine millions, which the secretary's bill proposed to make part of the capital. It allowed dividends as high as seven per cent.; the other restricted them to six; it gave nine paid directors, and required a majority to transact business: the executive scheme proposed seven paid directors, and three a quorum for business. It was somewhat more stringent in its regulations than the bill of the executive; among other particulars, in these:—

It forbade the appointment of any member of Congress, or of a state legislature, or officer or contractor of the federal or state governments, as a director in the bank or its branches:

It forbade all discounting within the District of Columbia, or loans, except to the government:

It gave additional powers to facilitate free examination of the bank by the secretary of the treasury:

It added restrictions to the use, and guards against the abuse, of proxies:

It forbade the officers from borrowing money or obtaining discounts from the bank, or contracting debts with it.

In these and sundry other particulars, the senate bill was more guarded and restrained than the executive bill.

These diversities between the two schemes mainly respect the efficiency of the proposed institution. They did not touch any debatable question of constitutional power.

Such a question of constitutional power, and the only one, was presented in the clause relating to the establishment of branches. In all other points the bills are the same in principle, and with very little variation, coincident in detail—almost identical in phraseology.

On this point of establishment of branches—the 16th fundamental rule in each bill—the senate plan differed from that of the executive, to the following extent:—

The executive bill authorized the corporation to establish a bank for discount and deposit, in any state whose legislature should give its assent to such an act; such branch being once established, not to be withdrawn without the assent of Congress: or, instead of establishing such office, the directors were authorized, from time to time, to employ any individual agent, or bank—with the approbation of the secretary of the treasury—at any place, to transact the business of the bank, other than for the purposes of discount.

The senate bill, first made it *obligatory* upon the corporation to establish an office of discount and deposit, in any state in which two thousand shares should have been subscribed, whenever, upon the application of the legislature of such state, Congress should require the same; sec-

ond, the directors were authorized to establish such offices in any state or territory, whenever they should think it expedient, without the assent of the legislature ; third, or instead of establishing such offices, to employ an agent or bank, to be approved by the secretary of the treasury—at any place—to transact the business of the bank, other than for the purposes of discount. This latter clause being to the same effect as that in the executive bill.

The above is a view of the two provisions. It will be seen how very narrow was the difference between Mr. Tyler's proposition and Mr. Clay's ; a difference, so far as constitutional power was concerned, that rested upon the naked alternative of—

Branches to be established *originally* with the assent of the states, and that assent, once given, to be irrevocable ; or branches to be established when and where found convenient, without that *original* assent.

The president maintained in vindication of the principle inserted in his bill, that although he could find power in the constitution to establish a bank, he could find none to establish a branch ; that to get this absent power, it was necessary that Congress should apply to each state for a grant of it.

Mr. Clay, on the other hand, held that if the constitution did not give the power to establish a branch, no assent of a state could give it, and, therefore, that it was unconstitutional to attempt to derive power from the assent of a state.

Upon this logic, a division of opinion arose in Congress ; not as to which of those positions was the sound one. It was believed there was not a man in either house who honestly and sincerely held with the president. But the question which now divided Congress was—Can not the president be gratified as to this notion of his regarding the assent of the states ? Can not Congress, if it finds motive to do so, as a matter of expediency merely, waive and forego its right to establish a branch, and ordain that that right shall not be exercised except in such case as when a state may express a wish for a branch ?

Upon this point, there was a very general, perhaps unanimous, concurrence of the whig party in the affirmative. Is it expedient to establish such a precedent ? May it not be used, hereafter, to the prejudice of good legislation ? On this point there was less unanimity. Some members were strongly opposed. Then it was suggested that the power might be waived, with a protestation. Many other suggestions were made, evincing great solicitude to comply with the president's wish, if possible.

The difficulty was, at last, thought to be settled by a compromise ; to which, it was reported, the president had agreed. There was great repugnance to it among the whig members, but it was finally agreed to, because the majority thought the president wished it.

The compromise was this: The directors to have power to establish a branch with the assent of the state, and when established, not to be withdrawn without the consent of Congress: provided, first, that the power to establish a branch shall be unrestrained, in respect to any state which shall not, at the first session of its legislature, after the passage of the charter, express its dissent; in defect of which, assent shall be presumed. And provided, second, that whenever Congress shall deem it necessary and proper to the execution of powers granted by the constitution, to establish a branch in any state, then Congress may require the directors to establish such branch.

The compromise being thus arranged in conformity, as it was supposed, with the president's views, it was incorporated in the bill, and the whigs then hastened to pass it. There is, however, no reason to suppose that the president ever gave any distinct promise to accept the compromise, although such a belief was prevalent.\*

The bill incorporating the fiscal bank was finally passed by Congress on the 6th of August, and sent to the president for his decision. The vote in the senate, where the bill originated, was 26 ayes to 23 noes; in the house of representatives, 128 ayes to 97 noes. The president retained the bill until the 16th of August, and during this interval the greatest anxiety prevailed among the whigs, with regard to the course he might conclude to pursue. The president's house was filled with visitors from the ranks of the opposition, some of whom became his intimate advisers. When the whigs learned that he complained that they kept aloof from him, and thinking it their duty to do everything in their power to avert the threatened veto, they waited upon him in delegations, to apprise him of the feeling which was likely to arise in the country upon this act. One delegation in particular, of great respectability—the whigs representing Ohio—called upon him on Friday evening, the 13th of August. They told him frankly what they feared; assured him of the earnest desire of the party to preserve harmony and good will toward the president: represented to him the deep concern of the nation in the bank question. He protested his own intense feeling upon the subject; spoke apparently with frankness of the difficulties he felt in regard to certain points in the compromise section; suggested an amendment which would render this section acceptable to him; declared his entire freedom from all prejudice or extrinsic influence in regard to the measure; wept; promised to pray for guidance; and then asked, by way of remonstrance: "Why did you not send me Ewing's bill?"

"Would you sign that bill?" inquired one of the delegation.

"I would," was the reply.

Such was the interview, as described by those who witnessed it. The Ohio members left his apartment fully possessed with the opinion that the

\* Kennedy.

president was sincerely desirous to have a bank such as his cabinet minister had reported. Although they had reason to expect a veto of the pending bill, they believed that all difficulty would be removed by adopting the president's plan as it came from the secretary. This opinion they infused into the whigs of Congress; and the hopes of a favorable settlement of the question began to brighten among them. Subsequently the president informed one of the Ohio delegation that he wished to recall what he had said respecting Mr. Ewing's bill, which he declared that he had not read when he said that he would sign it if it were sent to him. He now said that he could not sign that, but added, "If you will examine the message [veto] I have sent to-day, you will find shadowed forth a much better bank there, one that has been long endeared to me."\*

During the time while the president held the bank bill under consideration, among other friends who urged him to allow the bill to become a law, Mr. Botts, of Virginia, wrote him a confidential and respectful letter on the 10th of August, from which we make the following extracts:—

"It is generally understood that you are to veto the bank bill. If it be so, have you contemplated the consequence, in all its bearings? Can your cabinet sustain you in the veto. Will they not be compelled to resign? For whatever may be your views as to the principles upon which you came into power, it can not be denied that those on which they have been sustained by the country require at their hands an earnest support of the measure that has been demanded by the people through their representatives, by a majority exceeding the entire representation of Virginia and South Carolina, the two states in which the strongest opposition is supposed to exist.

"The sub-treasury is repealed; and the deposit system of 1836 is also repealed in one house, and will pass the other. Congress will not consent to take the plan suggested by the secretary of the treasury. Will you not find it impossible to carry on the government, and will not a resignation be forced upon you?

"On the contrary, if you can reconcile this bill to yourself, all is sunshine and calm. Your administration will meet with the warm, hearty, zealous support of the whole whig party, and you will retire from the great theatre of national politics with the thanks, and plaudits, and approbation of your countrymen."

Three days after his interview with the Ohio delegation, President Tyler sent the bank bill back to the senate, in which it originated, with his veto message.

So far as this act signified his dissent from the senate bill, it surprised nobody. The recent reports, especially that from the Ohio delegation, had prepared Congress to expect it. But the substance of the message,

\* Kennedy.

and the grounds upon which it placed the veto, greatly surprised that body—excepting only those who were in the secret.

The message presents four objections to the bill :—

First, that it is an attempt to create a bank to operate *per se* over the Union—and therefore unconstitutional.

Second, that it is a bank of discount—and therefore unconstitutional.

Third, that it was not a bank exclusively confined to the power of dealing in exchanges, which would be constitutional and eminently useful, if conducted on the plan of the exchange operations of the old bank.

Fourth, that the assent of the states toward establishing branches was not sufficiently secured.

The first three of these objections apply as forcibly to Mr. Ewing's bill as to that from the senate.

The bank proposed by the secretary was more distinctly a bank of local discount than the senate bank ; for the latter absolutely forbade discounting in the District of Columbia, which the other allowed. The discount power was as large in the secretary's plan as in the old bank. Then as to dealing in exchange, Mr. Ewing's plan encouraged it no more than the other, but left this faculty much where it was in the former charter. The fourth objection is peculiar to the senate's bill ; yet here the difference hangs by a cobweb.\*

Yet, according to the evidence of Mr. Wise, and other friends of the executive, Mr. Ewing's bill had been adopted by the president and his cabinet as a compromise of the vexed question.

The veto message completely bewildered the whig members of Congress, and was received with dismay and anxiety by the friends of the administration throughout the country. Immediate efforts were made by the leading whigs in Congress, and the members of the cabinet, to repair, if possible, the evil effects which threatened the party with distraction and dissolution.

A hope yet remained. The president had shadowed out a plan in his veto message, which, as he remarked to a member from Ohio, was a plan long endeared to him. The message was examined, and it occurred at once to every one, upon reading his commendation of the exchange operations of the old bank, that the plan shadowed forth in that document was a bank to be constructed with reference to such dealings in exchanges as were described to be so beneficial to the country in the old bank, and which should be disabled from dealing in local discounts.

To make sure of the president's concurrence in this matter, two gentlemen of the highest standing in Congress—Mr. Berrien, of the senate, and Mr. Sergeant, of the house—were deputed by the whigs to ascertain from him precisely what kind of a bill he would feel himself authorized to approve.

They executed their commission with great fidelity; had an interview with the president; learned from him that he was in favor of a fiscal agent divested of the discounting power, and limited to dealing in bills of exchange, other than those drawn by a citizen of one state upon another citizen of the same state. A bill was prepared in conformity with these suggestions. It was submitted to Mr. Webster, and by him to the president; was approved, and sent to the house of representatives; reported there, and passed.

The interview of Messrs. Berrien and Sergeant with the president was on the 18th of August. The bill was prepared on the 19th, and submitted to the president, and approved by him. It was then returned to Mr. Sergeant, who, on Friday, the 20th, introduced it into the house as an amendment to a bill then pending in committee of the whole.\* It was entitled, "An act to provide for the better collection, safekeeping, and disbursement of the public revenue, by means of a corporation to be styled the fiscal corporation of the United States." The name of bank was omitted in conformity with the wishes of the president.†

On Monday, the 23d of August, at 4 o'clock, the bill was taken out of committee, and passed, without the alteration of a word from the original report, by a vote of 125 to 94. It was passed in the senate, 27 to 22, without amendment, on Friday, the 3d of September.

In the meantime, several important measures proposed by the whigs in Congress, had been adopted in both branches, and received the approbation of the president. On the 17th of August, the day after his veto of the fiscal bank bill, the president informed Congress that he had signed the bill repealing the sub-treasury law; and on the 18th a bill, which had previously passed the senate, 26 to 23, to establish a uniform system of bankruptcy throughout the United States, was passed in the house of representatives, by a vote of 110 to 106; the votes of the democratic party in both houses, with very few exceptions, being in the negative. This bill, which was considered a prominent whig measure, was called for by an immense number of petitioners throughout the United States, embracing many of the largest capitalists and of the most intelligent among the commercial community, as well as those who were classed among the unfortunate, in consequence of the vicissitudes of trade. The want of a uniform bankrupt law had been seriously felt for nearly forty years, during which the country had been without a system; particularly by that portion of citizens who were engaged in mercantile pursuits, whether creditors or debtors.

While the bill to establish the fiscal corporation was pending in the house of representatives, an event occurred, which probably had an important influence on the mind of the president in determining his subsequent

\* Kennedy's Defence of the Twenty-seventh Congress.

† Mr. Ewing's Letter, in Niles's Register, vol. lxi., p. 34.



action on that measure, and produced the most disastrous effects on the prospects of the whig party and the administration of Mr. Tyler. On the 21st of August, the following copy of a letter from Hon. John M. Botts, a distinguished whig member of Congress, representing the Richmond district of Virginia, in the house of representatives, appeared in the *Madisonian*, the official executive paper at Washington. It was accompanied with a notice by the editor, stating that it was forwarded to him late the previous evening, as having been written by the author, for the *Coffeehouse*, at Richmond, where such scraps of news are made as public as at an exchange of a commercial city. "Under any other circumstances," the editor remarked, "we should not have felt authorized to publish it. Forewarned, Mr. Tyler will be forearmed. We shall see whether Mr. Botts, and such as he, will succeed in 'heading' him—whether they will perpetrate a legislative fraud, such as the letter describes, for the heartless purpose of 'fastening' Mr. Tyler, and forcing him into a measure which neither his conscience sanctions, nor his judgment approves."

"August 16, 1841.

"DEAR SIR : The president has finally resolved to veto the bank bill. It will be sent in to-day at 12 o'clock. It is impossible to tell precisely on what ground it will be placed. He has turned, and twisted, and changed his ground so often in his conversations, that it is difficult to conjecture which of the absurdities he will rest his veto upon.

"In the last conversation reported, he said his only objection was to that provision which presumed the assent of the states when no opinion was expressed, and if that was struck out, he would sign the bill. He had no objection to the location of branches by the directors, in the absence of dissent expressed, but whenever it was expressed, the power to discount promissory notes must cease, although the agency might continue, for the purchase and sale of foreign exchange. However, you will see the message.

"Our Captain Tyler is making a desperate effort to set himself up with the locofocos, but he'll be headed yet, and I regret to say, it will end badly for him. He will be an object of execration with both parties ; with the one, for vetoing our bill, which was bad enough—with the other, for signing a worse one ; but he is hardly entitled to sympathy. He has refused to listen to the admonition and entreaties of his best friends, and looked only to the whisperings of ambitious and designing mischief-makers who have collected around him.

The veto will be received without a word, laid on the table, and ordered to be printed. To-night we must and will settle matters, as quietly as possible, but they must be settled.

"Yours, &c.,

"Jno. M. Botts.

"You'll get a bank bill, I think, but one that will serve only to fasten him, and to which no stock will be subscribed ; and when he finds out

that he is not wiser in banking than all the rest of the world, we may get a better. The excitement here is tremendous, but it will be smothered for the present."

The above letter was postmarked "Washington, 16th August," and addressed to "Coffeehouse, Richmond. (Free.) JNO. M. BOTTS."

In explanation of this letter, Mr. Botts published an address to the public, in which he states that the former was written under strong feelings of indignation at the president's course, and was intended as a private letter to Mr. Lynch, proprietor of the Coffeehouse, Richmond (a reading and news-room); that it was inadvertently directed to the Coffeehouse, instead of Mr. James H. Lynch. This private letter was published without the authority either of the writer or of the individual to whom it was written. Mr. Botts denied the correctness of the inference and construction put upon certain expressions in this letter by the president and his friends.

The secretary of the treasury, Mr. Ewing, in his letter of resignation to the president, remarks: "No doubt was thrown out on the subject [of the fiscal corporation bill] by you, in my hearing, or within my knowledge, until the letter of Mr. Botts came to your hands. Soon after the reading of that letter, you threw out strong intimations that you would veto the bill if it were not postponed. That letter I did and do most unequivocally condemn, but it did not affect the constitutionality of the bill, or justify you in rejecting it on that ground; it could affect only the expediency of your action, and whatever you may now believe as to the scruples existing in your mind; in this and in a kindred source there is strong ground to believe they have their origin."\*

Mr. Webster, in a letter to the two senators from Massachusetts, dated on the 25th of August, remarks: "I know that the president had been greatly troubled, in regard to the former bill, being desirous, on one hand, to meet the wishes of his friends, if he could, and on the other, to do justice to his own opinions.

"Having returned this first bill, with objections, a new one was presented to the house, and appeared to be making rapid progress.

"I know the president regretted this, and wished the whole subject might have been postponed. At the same time I believed he was disposed to consider calmly and conscientiously, whatever other measure might be presented to him. "I have not the slightest doubt that the present bill was honestly and fairly intended as a measure likely to meet the president's approbation. I do not believe that one in fifty of the whigs had any sinister design whatever, if there was an individual who had such design.

"But in the meantime Mr. Botts's very extraordinary letter made its appearance. Mr. Botts is a whig of eminence and influence in our ranks.

\* Niles's Register, vol. lxi., p. 34.

I need not recall to your mind the contents of that letter. It is enough to say that it purported that the whigs designed to circumvent their own president, to 'head him,' as the expression was, and to place him in a condition of embarrassment.

"From that moment, I felt that it was the duty of the whigs to forbear from pressing the bank bill further at the present time.

"I thought it was but just in them to give decisive proof that they entertained no such purpose as seemed to be imputed to them. And since there was reason to believe that the president would be glad of time, for information and reflection, before being called on to form an opinion on another plan for a bank—a plan somewhat new to the country—I thought his known wishes ought to be complied with. I think so still. I think this is a course just to the president, and wise on behalf of the whig party.

"A decisive rebuke ought, in my judgment, to be given to the intimation, from whatever quarter, of a disposition among the whigs to embarrass the president. This is the main ground of my opinion; and such a rebuke, I think, would be found in the general resolution of the party to postpone further proceedings on the subject to the next session, now only a little more than three months off.

"The session has been fruitful of important acts. The wants of the treasury have been supplied; provisions have been made for fortifications, and for the navy; the repeal of the sub-treasury has passed; the bankrupt bill, that great measure of justice and benevolence, has been carried through; and the land bill seems about to receive the sanction of Congress.

"In all these measures, forming a mass of legislation more important, I will venture to say, than all the proceedings of Congress for many years past, the president has cordially concurred.

"I agree, that the currency question is, nevertheless, the great question before the country; but considering what has already been accomplished, in regard to other things; considering the difference of opinion which exists upon this remaining one; and considering, especially, that it is the duty of the whigs effectually to repel and put down any supposition that they are endeavoring to put the president in a condition in which he must act under restraint or embarrassment, I am fully and entirely persuaded that the bank subject should be postponed to the next session.

"I am, gentlemen, your friend and obedient servant,

"DANIEL WEBSTER."

On the 9th of September, six days after its passage in Congress, the president returned the fiscal corporation bill to the house of representatives, where it originated, with his objections. The following day it was taken up in the house, and after debate, 103 members voted in the affirmative, and 80 in the negative; consequently the bill was lost, two thirds not

voting for it. The fiscal bank bill which was returned to the senate on the 16th of August, it having originated in that body, was lost also, for want of a two-third vote. On that bill, when returned, the vote of the senate was 25 ayes, to 25 noes.

The Hon. N. P. Tallmadge, one of the senators from the state of New York, endeavored, on each occasion, to induce the president to withhold his veto on the bank question. Being on the most intimate and confidential terms with President Tyler, he, on the 9th of September, addressed him a respectful letter, in which he urged, with great ability, the importance to himself, the party, and the country, of his approval of the fiscal corporation bill. He warned him of the fatal consequences which would result from a second veto. He remarked: "The public mind is too much excited to receive another veto, without the most unequivocal manifestations of disapprobation, not to say indignation. Such feelings existed, but were suppressed, on the former occasion, because it was seen that Congress was making a great and mighty effort to recover from the blow which that message inflicted—a blow the more severe and the less to be resisted, because inflicted by a friend—by him too who had come into power with the rich legacy of the lamented Harrison—namely, 'to understand and carry out the true principles of the government,' of which this measure was the leading one. These feelings can not longer be suppressed, after another exercise of the veto power on the present bill. *That bill, it is well understood, was prepared in pursuance of your suggestions, after full consultation with your cabinet, and with other gentlemen; and its provisions made to conform to your views, and with the unequivocal understanding that it would meet your approbation.*

"It was brought forward, and passed by your friends in Congress, for the purpose of obviating all difficulties on your part, believing, as they did, from most undoubted sources, that its provisions had received your sanction. I can not therefore, for one moment, persuade myself that any credit ought to be given to a rumor of a second veto.

"I will hope that you will seize this occasion to sustain the confidence of the party which placed you where you are; and that you will, by the approval of this bill, render your administration as popular as you will make the country prosperous, and the people happy.

"Let no hasty opinions which you have expressed against the bill, prevent you from consummating an act so honorable to yourself, so desirable to your party, so important to the country. It is the part of a great man to surmount the obstacles which obstruct the way of smaller men. Washington had his veto of the first bank bill all prepared, with the intention of sending it to Congress; but that great man changed his purpose at the very last moment, and approved the bill. Is not his example worthy of imitation? Can you not, ought you not, to exhibit, on this occasion, those high qualities for which he was so distinguished, and which in him com-

manded the admiration of the whole country? How enviable would be your position! How laudable the ambition to imitate such an example! By your approval of this bill, the most intimate and cordial relations would be preserved between yourself and your political friends—the confidence of the party would be sustained, and we should all have the proud satisfaction of interchanging those reciprocal acts of kindness and good feeling which are the life and soul of all honorable, political associations. May I not hope, then, that this great and patriotic purpose may influence your decision, and that we may all return to our constituents, having by our united action accomplished the great objects for which we were called together, and receive their annunciation of ‘Well done, good and faithful servants.’”

The president's vetoes of the two bank bills were of course received with far different feelings by the two political parties into which the country was divided. While the whigs viewed the president's course with indignation, and denounced him as unfaithful to the party which had elevated him to his high station, their democratic opponents in Congress and throughout the country, warmly applauded Mr. Tyler for defeating the plans for a national bank, and numerous meetings of the democracy were held, in which the president was highly commended for his independent course. Carè, however, was taken, by the democratic leaders, to prevent any encouragement being held out to Mr. Tyler that he would be acknowledged as the head of the party, or a candidate for re-election. Mr. Van Buren, in a letter to his political friends in New York, on the 5th of September, remarked, that “if Mr. Tyler should complete the work so wisely begun, by disapproving the bill for the creation of a fiscal corporation, he will be entitled to the thanks of the country.” The peculiar tone of this letter occasioned a general smile, wherever read.

With regard to public opinion, it was denied by the opposition in Congress that the people had decided in favor of a national bank, by the presidential election of 1840. To this the whigs replied, that the newspaper organs of the late administration displayed at their head, during the contest, the words, “An independent treasury, and no national bank,” and the issue thus made was determined against them. That in the election of members of the house of representatives, a majority of about forty of the whole body was elected, composed of known friends of a national bank, and thus the people had decided in favor of such an institution. Mr. Clay, in his speech in the senate on President Tyler's first veto message, said: “It is incontestable that it was the great, absorbing, and controlling question, in all our recent divisions and exertions. I am firmly convinced, and it is my deliberate judgment, that an immense majority, not less than two thirds of the nation, desire such an institution. All doubts in this respect ought to be dispelled, by the recent decisions of the two houses of Congress. I speak of them *as evidence* of popular opinion. In the house

of representatives the majority was one hundred and thirty-one to one hundred. If the house had been full, and but for the modification of the sixteenth fundamental condition, there would have been a probable majority of forty-seven. Is it to be believed that this large majority of the immediate representatives of the people, fresh from among them, and to whom the president seemed inclined, in his opening message, to refer this very question, have mistaken the wishes of their constituents?"

In the debate on the second veto, in the house of representatives, Mr Botts said: "It is certain, that when we came here no doubt was entertained by either party that he [the president] would sign a bank bill: our friends thought so, or it would not have been discussed, as it was, for ten or twelve weeks; the other party thought so, or they would not have gotten up the cry of repeal! repeal! which resounded, not only through the walls of this capitol, but became the watchword of the party throughout the country. But we are now told that we must wait, give time; and it has been intimated by the president that the people are not in favor of a bank! Indeed, sir, the people not in favor of a bank! Why, what evidence is required stronger than that presented? You have a majority of thirty-one voting for this bank, with seven absentees who voted for the first bank, which gives you thirty-eight. Several others, who voted against it, acknowledge their constituents to be in favor of some bank, though they were not satisfied with this, which gives you forty, or upward. Which of those voting for a bank does the president charge with misrepresenting his constituents? None, that we have heard of. Then suppose each member to represent his constituents fairly, and each one to represent sixty thousand persons, which is a reasonable average, and a majority of forty on this floor gives you a majority of two million four hundred thousand of the population of the United States in favor of a bank; and yet we are to be told it is a doubtful question, upon which the people have expressed no opinion!"

The two principal motives attributed to Mr. Tyler as the cause of his vetoes of the bank bills, were, first, his constitutional scruples, with a determination to preserve his character for consistency; and second, having set his heart upon a second term for the presidency, he was charged with endeavoring to ingratiate himself with the democratic party by his bank vetoes, and thus become the candidate of that party for re-election, in 1844. It is evident that his position as a whig president could not be sustained without an abandonment of the peculiar notions and principles he had formerly professed, as a believer in the Virginia doctrines of a strict construction of the constitution. He had argued and voted in Congress against a protective tariff, against the constitutionality of a national bank, and against the constitutionality of internal improvements by the general government; all leading measures proposed and advocated by the

whig party, in reference to which a near approach to unanimity prevailed among the whigs throughout the nation, in 1840.

That the opposition party considered Mr. Tyler as occupying a mistaken position, while attempting to act with the whig party, is shown by the debates in Congress, and the language of the opposition press. In the debate on the fiscal corporation bill, in the senate, Mr. Buchanan said: "The president had shown himself a man of mettle, and had not been willing to sacrifice all his old Virginia principles, for the sake of a party from which he differed on almost every great and leading point of policy." The Richmond Enquirer, previous to the first bank veto, said: "Mr. Tyler's *principles, duties, policy, interests*, are all with us [the democrats], if he can only see them. But will he see them? We hope and trust he will not throw himself into the arms of the federal whigs."

The general impression of the whigs appears to have been, that Mr. Tyler, in accepting the nomination of the party for vice-president, gave an implied pledge that he would act with the party in carrying out their views and measures. The author of the work before quoted, "Defence of the Whigs, by a Member of the Twenty-seventh Congress," says: "The mass of the whigs, for the most part, knew very little of Mr. Tyler and his opinions; that they cared less—never contemplating the event of his succession: that as he professed to be the friend of their friend, Mr. Clay—was anxious for his nomination—they had no doubt that he was a whig, and would do the duty of a whig, whatever might betide: that as he had been on the whig ticket for the vice-presidency once before, and came to Harrisburg as a member of the whig convention, he thereby proclaimed himself to be a whig, and could, without dishonor, be nothing else; especially that he could not be a secret enemy to the whigs, and harbor an undivulged purpose in his mind to betray them, if ever they should trust him."

"The only point upon which any anxiety for Mr. Tyler's whig principles was supposed to have a foundation, was upon the question of the bank. In the senate of the United States he had made a mitigated opposition to the bank; an opposition consisting of one part scruple and three parts praise. He had spoken there in terms of warm commendation of the bank, and especially of the beneficence of its exchanges. Then again he said: 'If the constitution authorized its creation, no man, with the experience of the past, could well doubt the propriety of a well-regulated and well-guarded bank.' His inaugural address is very significant in reference to the prevailing doubts: 'The public interest demands that if any war has existed between the government and the currency it shall cease. I shall promptly give my sanction to any constitutional measure which, originating in Congress, shall have for its object the restoration of a sound circulating medium,' &c.

"He had said in private, to several friends, that his opinion on the con-

stitutionality of a bank had undergone a change. Indeed, we infer as much as this from a letter written by him to the Henrico committee during the canvass of 1840. It is clear he could conceive a case in which it might be constitutional. Add to these the expressions contained in the inaugural address, and it is quite apparent that the mind of Mr. Tyler was in a state of transition, at least, on this topic. Nay, that he had absolutely changed, as he told several. The whole whig press throughout the Union, after the inaugural address, proclaimed him as safe upon the bank question; the *Madisonian*—his peculiar organ—so proclaimed him. Why did he not deny it, and say he was misapprehended?"

The foregoing expresses the views entertained by the whig party generally with regard to the course of Mr. Tyler. On the other hand his confidential friends denied that his conduct was fairly subject to the charge of inconsistency or unfaithfulness to his professions, but that he was actuated only by conscientious motives and a regard for his oft-repeated and unchanged opinions on the bank question. Mr. Rives, in defending the president's first veto, in the senate, said: "There being nothing in the opinions of the fathers and founders of the republican school to induce President Tyler, as a consistent disciple of that school for twenty-five years past, and one who had over and over expressed his conviction of the unconstitutionality of a bank of the United States, to change that opinion, what course but that which he has pursued was left to him when the bill for such a bank was presented for his approval? Who is the individual that by universal consent is recognised as the founder of what the president refers to as 'the republican school?' It is Thomas Jefferson. For however I concur with the senator from Kentucky [Mr. Clay] in paying all homage to the unrivalled virtues and ever-glorious public services of George Washington, I must be permitted to say that he has not generally been considered as belonging to that republican party to which the president alludes."

The president's veto of the fiscal corporation bill, was received with the greatest indignation by the whig party throughout the country. Many regretted that the measure had been urged in Congress after the veto of the first bank bill, but the public disapprobation of the president's conduct was general among those who had been the means of elevating him to the position he now occupied with power and disposition to thwart their wishes.

The first effects of the veto on the whig party were felt at the seat of government. The fiscal corporation bill was returned to Congress on the 9th of September; on Saturday, the 11th, all the members of the cabinet, except Mr. Webster, feeling that all confidence between the president and themselves was gone, resigned. The causes of their resignation were afterward given to the public by Mr. Ewing, secretary of the treasury, Mr. Bell, secretary of war, Mr. Badger, secretary of the navy, and Mr. Crit-



tenden, attorney-general.\* Mr. Granger, postmaster-general, did not publish his letter of resignation, but was understood to have concurred with his colleagues, and the advice of his whig friends in Congress, and his resignation followed soon after the other members of the cabinet.

Mr. Webster, having concluded to remain in the cabinet, as secretary of state, addressed a letter, on the 13th of September, to the editors of the *National Intelligencer*, in which he observed: "Lest any misapprehension should exist as to the reasons which have led me to differ from the course pursued by my late colleagues, I wish to say that I remain, first, because I have seen no sufficient reason for the dissolution of the late cabinet, by the voluntary act of its own members.

"I am perfectly persuaded of the absolute necessity of an institution, under the authority of Congress, to aid revenue and financial operations, and to give the country the blessings of a good currency, and cheap exchanges. Notwithstanding what has passed, I have confidence that the president will co-operate with the legislature in overcoming all difficulties in the attainment of these objects," &c.

In a letter to H. Ketchum, Esq., of New York, dated the 11th of September, Mr. Webster said: "You will have learned that Messrs. Ewing, Bell, Badger, and Crittenden, have resigned their respective offices. Probably Mr. Granger will feel bound to follow the example. This occurrence can hardly cause you the same degree of regret which it has occasioned to me; as they are not only my friends, but persons with whom I had, for some time, a daily official intercourse. I could not partake in this movement.

"It is supposed to be justified, I presume, by the differences which have arisen between the president and Congress, upon the means of establishing a proper fiscal agency, and restoring a sound state of the currency; and collateral matters growing out of these differences. I regret these differences as deeply as any man; but I have not been able to see in what manner the resignation of the cabinet was likely either to remove or mitigate the evils produced by them. On the contrary, my only reliance for a remedy for those evils has been, and is, on the reunion, conciliation, and perseverance of the whole whig party, and I by no means despair of seeing yet accomplished, by these means, all that we desire.

"My particular connexion with the administration, however, is in another department. I think very humbly—none can think more humbly—of the value of the services which I am able to render to the public in that post. But as there is, so far as I know, on all subjects affecting our foreign relations, a concurrence of opinion between the president and myself, and as there is nothing to disturb the harmony of our intercourse, I have not felt it consistent with the duty which I owe to the country, to run the risk, by any sudden or abrupt proceeding, of embarrassing the

\* See *Niles's Register*, vol. lxi.

executive, in regard to subjects, and questions now immediately pending, and which intimately affect the preservation of the peace of the country."

In view of the critical situation of the country at that time, with respect to our relations with Great Britain, particularly on the subject of the northeast boundary question, considerate men of the whig party justified Mr. Webster in his decision to remain in the cabinet, at least until the negotiations then pending were brought to a conclusion. Much difference of opinion prevailed among the whigs as to the policy of the resignation of the other members of the cabinet. It was a current opinion, after the second veto, that the cabinet ought to wait to be turned out. That they should not by a voluntary act abandon their posts. The majority of the cabinet themselves, and many others, thought otherwise. Every sentiment which could move honorable men revolted at the idea of holding a confidential relation where there was no confidence. As regards a portion of the cabinet, the resignation was reluctantly delayed. It was delayed in deference to the advice of those who still hoped that affairs might take some unforeseen turn favorable to harmony. They resigned, however, at last, as they stated, in their own published letters, not because the president differed from them on the question of a bank. They threw up their places because he had forfeited his word, treated them unworthily, and had manifested his hostility to the principles and pledges of the party with whom they were associated, to which he professed to belong, and who had given to him all the consideration and importance incident to his station.\*

Feeling deeply the injury which the course of the president had inflicted upon the whig party and their cause, and indignant at the position in which he had placed them, the whig members of Congress held a meeting on the 11th of September, and appointed a committee of three senators and five members of the house, to prepare an address to the people of the United States, with regard to the measures which had been adopted and those which had failed at the extra session, with such other matters as might exhibit the condition and prospects of the whig party. The committee appointed were Messrs. Berrien, of Georgia, Tallmadge, of New York, and Smith, of Indiana, senators; Everett, of Vermont, Mason, of Ohio, Kennedy, of Maryland, John C. Clark, of New York, and Rayner, of North Carolina, on the part of the house. The meeting then adjourned, to meet again on Monday morning.

On Monday, the 13th of September, a few hours previous to the close of the session, as Congress adjourned on that evening, the whig members still remaining at the seat of government—for many had set out for their homes—again assembled, and adopted a manifesto, or address, which was read by Mr. Kennedy, as the report of the committee—of which twenty thousand copies were ordered to be published—by which they

\* Kennedy's Defence of the Whigs.

proclaimed to the nation, that from that day forth all political alliance between them and John Tyler was at an end; that from that day "those who brought the president into power could no longer, in any manner or degree, be justly held responsible or blamed for the administration of the executive branch of the government." At the same time acknowledging it to be "the duty of the whigs, in and out of Congress, to give to his official acts and measures fair and full consideration, approving them and co-operating in their support when they could, and differing from and opposing any of them only from a high sense of public duty."

The manifesto was a plain, direct paper, stating the case of the whigs fully to the country. It told what they had done at the extra session; what they had failed to do, and why. It disclosed their observation of the past conduct of Mr. Tyler, and their apprehension of his future course; the withdrawal of his confidence from the whigs, and his affinity with their enemies; and it announced their entire separation from him. It proclaimed the principles upon which the whigs would continue, as in times past, their organization.

This manifesto had the full concurrence and actual participation of from sixty to eighty whig members—being nearly all who were at the seat of government when it was adopted.\*

There were many whigs, in and out of Congress, however, who doubted the expediency of adopting the address at that time, and denouncing the president, before further time was given for reflection, and a more full development of his views and intentions. Many hesitated as to the wisdom and propriety of running the risk of throwing the patronage of the general government into the hands of their political opponents, and by driving the president from the whig party, to prevent the probable success of other whig measures during his administration.

It was expected by some that the president would select the members of his new cabinet from the ranks of the democratic party, but he promptly made his appointments of the following distinguished whigs and conservatives, viz: Walter Forward, of Pennsylvania, secretary of the treasury; John M'Lean, of Ohio, secretary of war; Abel P. Upshur, of Virginia, secretary of the navy; Charles A. Wickliffe, of Kentucky, postmaster-general; Hugh S. Legare, of South Carolina, attorney-general. These nominations were all confirmed by the senate, previous to their adjournment. Judge M'Lean declining to resign his seat on the bench of the supreme court, for the office of secretary of war, John C. Spencer, of New York, was appointed to take charge of that department. Thus the new cabinet was organized in a more satisfactory manner to the public than had been anticipated by the whigs; while the hopes of the democrats, which had been raised by the rupture between the president and Congress, were somewhat dampened.

The principal acts passed by Congress at the extra session were the following: Authorizing a loan of twelve millions of dollars, for the purpose of supplying the wants of the treasury on account of deficiencies during Mr. Van Buren's administration; appropriating twenty-five thousand dollars, or one year's salary of the president, for the relief of Mrs. Harrison, widow of the late president; making appropriations for a home squadron; repealing the sub-treasury act; providing for the payment of navy pensions; establishing a uniform system of bankruptcy; reviving and extending the charters of banks in the District of Columbia; appropriating the proceeds of the sales of the public lands, and to grant pre-emption rights; making appropriations for various fortifications, for ordnance, and for preventing and suppressing Indian hostilities; providing for placing Greenough's statue of Washington in the rotunda of the capitol; authorizing the transmission of letters and packets free of postage; and an act relating to duties and drawbacks. The last act was intended to provide for the deficiency of revenue caused by the large number of articles admitted free of duty by the tariff law of 1833; on many of those articles a duty of twenty per cent. was now laid. The act providing for the distribution of the proceeds of the public lands among the several states, was passed substantially according to the plan proposed by Mr. Clay, but a clause introduced by certain opponents of a protective tariff, impaired its efficiency, and in the sequel rendered the law inoperative. The clause referred to provided that when the tariff of duties on imports was raised to a rate above twenty per cent. ad valorem, the distribution should be suspended until this cause be removed. Twenty-five acts and five joint resolutions were passed at this extra session.

Among the appointments confirmed by the senate at this session, were the following: Edward Everett, of Massachusetts, minister to Great Britain; William Hunter (then chargé d'affaires), minister to Brazil; William Boulware, of Virginia, chargé d'affaires to Naples.

Considerable excitement prevailed in the United States during this year, in consequence of the arrest and trial at the circuit court in Utica, in the state of New York, of Alexander M'Leod. He had been a deputy sheriff of Niagara district, in Upper Canada, and was charged with having murdered an American named Amos Durfee, on the 29th of December, 1837, at which time an American steamboat, called the *Caroline*, was destroyed by a party from Canada, at Fort Schlosser, on the American side of the Niagara river. As it was proved that this party acted under British authority, and the British government having claimed M'Leod as a British subject, an attempt was made by the government of the United States to prevent the trial by the state of New York. Governor Seward, of New York, however, refused to give up the prisoner, and the trial proceeded. Happily, M'Leod was acquitted by the jury, and discharged, and thus a very vexed question between the United States government

and a state authority, as to jurisdiction ; and thus also was one point of unpleasant altercation between the United States and Great Britain so far settled. The state elections during the summer and fall of 1841, resulted generally unfavorably for the whigs, as might have been expected from the general dissatisfaction felt by that party toward the president, and the renewed spirit and vigor infused thereby into the democratic party. The president and his particular friends considered the result of these elections as a proof that the people approved of his course on the bank question ; and after the adjournment of Congress but few of the democratic office-holders were removed by the president.

The second session of the twenty-seventh Congress commenced on the 6th of December, 1841, and continued until the 31st of August, 1842, a period of 269 days, and was the longest congressional session that has ever occurred. During this time, one thousand and ninety-eight reports were made, six hundred and ten bills reported, and two hundred and ninety-nine bills passed, besides about one hundred private bills matured, engrossed, and ready for final passage at the ensuing session, but retained by the house, because the senate were occupied by the treaty and other important subjects. More important business was done by this Congress than by any Congress which ever convened since the formation of the government, although a considerable portion of their time was exhausted in discussing executive vetoes and protests.

The great and leading measure of the session was a new tariff law ; by which ample provision was made for the public revenue, and protection afforded to American manufactures and other branches of national industry. This bill was signed by the president, after he had previously returned, with objections, two different tariff bills passed by Congress, the first, the provisional revenue bill, on the 29th of June ; the other on the 9th of August, the same bill, in substance, as that which received his signature, except that it contained a clause providing for distributing the proceeds of the public lands. As the president now gave Congress to understand that the distribution clause could not receive his sanction, it was stricken out in the third bill reported in Congress, which, being passed by a close vote in both houses, received the signature of the president, and became a law, by the sacrifice of the land bill passed at the former session, which was thus rendered inoperative. Great indignation was felt and expressed toward the president, by the whigs in Congress, as he had recommended the distribution of the proceeds of the public lands, in his first message.

Among other acts of importance passed at this session, was an act for the apportionment of representatives according to the census of 1840 ; by which the ratio was fixed at 70,680 for each representative, with one additional member for each state having a fraction greater than one moiety of said ratio. By the same bill, representatives were directed to be cho-

sen by single districts. Acts were also passed extending the loan of 1841, for an addition of five millions of dollars thereto ; to authorize the issue of treasury-notes ; requiring foreign regulations of commerce to be laid annually before Congress ; authorizing the construction of a war-steamer for harbor defence ; to provide for the armed occupation and settlement of part of East Florida ; to provide for publishing an account of the exploring expedition under the command of Lieutenant Wilkes, of the United States navy ; amending the act to promote the progress of the useful arts ; to provide further remedial justice in the courts of the United States.

It appeared, at the commencement of the session, that neither of the great political parties, in either branch of Congress, was disposed to sustain the president in his peculiar views and policy. Mr. Rives was the only whig in the senate on whose support he could rely, and in the house of representatives not more than five or six whigs could be considered as the peculiar friends of the executive. It was therefore evident that the president had lost the confidence of both parties, and that any attempt to create a third party in his favor would prove a failure. Numerous adventurers, however, seeking office and political preferment, flattered Mr. Tyler with false hopes, assuring him that the people would sustain him, regardless of parties as then organized.

The subject of a national bank was not again acted on by Congress. The secretary of the treasury, Mr. Forward, at the commencement of the session, in compliance with a resolution of the house of representatives, reported a plan of a fiscal agent, or exchequer, for the management of the government finances. This plan was referred to a select committee in each house, and favorable reports were made thereon, by Mr. Tallmadge of the senate, and Mr. Cushing of the house, each accompanied with a bill to establish an exchequer board connected with the treasury department. Neither of these bills, however, received the favorable consideration of Congress, and the scheme of an exchequer was therefore abandoned.

An important treaty was negotiated in 1842, at Washington, between the United States and Great Britain, by which the northeastern boundary was definitely settled, in a manner satisfactory to the states of Maine and Massachusetts, which were most directly interested therein. Lord Ashburton, who was sent a special minister to the United States for that purpose, acted on the part of Great Britain, and Mr. Webster, secretary of state, on the part of the United States. The treaty was ratified by the senate on the 20th of August, 1842, by a vote of 39 to 9. Besides settling the boundary question, it provided for the final suppression of the African slave-trade, and for the giving up of criminals fugitive from justice, in certain cases.

The third session of the twenty-seventh Congress commenced on the 5th of December, 1842, and continued until the expiration of their term,

on the 3d of March, 1843. A large number of acts were passed, many of which were of a private nature. Of the numerous public acts passed, but few are of interest to the historical reader. Among them may be named—an act regulating the currency of foreign gold and silver coins; to fix the value of certain foreign moneys at the customhouses; to test the practicability of establishing a system of electro-magnetic telegraphs; providing the means of future intercourse between the United States and the government of China; and to repeal the bankrupt act. This latter law was thus permitted to remain in operation but little more than one year, and was repealed by the same Congress which enacted it.

The twenty-eighth Congress commenced their first session on the 4th of December, 1843, and adjourned on the 17th of June, 1844. There was a large democratic majority in the house of representatives, and on the vote for speaker, John W. Jones (democrat), of Virginia, received 128 votes, against 59 for John White, of Kentucky, the late whig speaker. The whig members protested against the right to seats of the members elected from New Hampshire, Georgia, Mississippi, and Missouri, they not having been chosen by districts, in conformity to the act of the last Congress. The house refused to allow the protest to be read, by a vote of ayes 69, noes 124, and the members referred to were admitted to the seats claimed by them.

The whigs retained a majority in the senate, and in consequence of the disagreement between the two branches of Congress, but few acts of general political interest were passed at this session. Among these may be mentioned—an act making appropriations for certain harbors and rivers; for fortifications; for revolutionary and other pensioners; to refund the fine imposed on General Andrew Jackson at New Orleans; and an act to amend the judiciary act of September 24, 1789. A large number of private acts, and laws respecting the territories, with others of a local character, were passed.

In March, 1843, Mr. Forward resigned, as secretary of the treasury, and John C. Spencer was transferred from the war department to that of the treasury. Caleb Cushing, of Massachusetts, was previously nominated by the president for secretary of the treasury, and rejected by the senate.

Mr. Webster resigned the office of secretary of state, in May, 1843, and Hugh S. Legare, attorney-general, was appointed acting secretary of state, but was soon after taken ill, and died, while on a visit to Boston, on the 20th of June, 1843. Mr. Legare was a gentleman of superior talents, and bore an excellent character with all parties. He had been attached to the democratic party, which he left during the administration of Mr. Van Buren, when that president proposed the sub-treasury plan. He afterward acted with the conservatives, and supported the election of Harrison and Tyler, in 1840.

In July, 1843, President Tyler reorganized his cabinet, as follows:—

Abel P. Upshur, of Virginia, secretary of state; John C. Spencer, of New York, secretary of the treasury; James M. Porter, of Pennsylvania, secretary of war; David Henshaw, of Massachusetts, secretary of the navy; Charles A. Wickliffe, of Kentucky, postmaster-general; John Nelson, of Maryland, attorney-general.

Messrs. Porter, Henshaw, and Nelson, were attached to the democratic party; the other members of the cabinet had been known as whigs or conservatives. At the next session of the senate, the nominations of Mr. Porter, as secretary of war, and of Mr. Henshaw, as secretary of the navy, were rejected. Thereupon the president nominated William Wilkins, of Pennsylvania, for secretary of war, and Thomas W. Gilmer, of Virginia, for secretary of the navy; and they were confirmed by the senate, on the 15th of February, 1844.

In consequence of a melancholy catastrophe which occurred on board the United States steamship-of-war Princeton, on the river Potomac, on the 28th of February 1844, by the explosion of one of the large guns of that ship, the secretary of state, Mr. Upshur, and the secretary of war, Mr. Gilmer, lost their lives. On the reception of the president's message announcing this painful occurrence, resolutions of sympathy, of respect, and for the usual mourning, were adopted in each branch of Congress.

For a short period, Mr. Nelson, attorney-general of the United States, discharged the duties of secretary of state, *ad interim*. Commodore Lewis Warrington officiated as secretary of the navy, until the vacancy occasioned by the death of Mr. Gilmer was supplied. The president appointed John C. Calhoun, of South Carolina, secretary of state, and John Y. Mason, of Virginia, secretary of the navy; both of which nominations were promptly confirmed by the senate. Mr. Spencer resigned the office of secretary of the treasury, in May, 1844, and George M. Bibb, of Kentucky, was appointed in his place.

Provision having been made by Congress for a mission to China, Caleb Cushing, of Massachusetts, was appointed commissioner to that empire, by the president, in May, 1843; and during a remarkably short period while he was absent on his mission, the commissioner was enabled to negotiate a valuable treaty with the Chinese government, which treaty was promptly ratified by the president and senate.

A treaty of annexation was concluded between the United States and the republic of Texas, at Washington, April 12, 1844, by Mr. Calhoun, secretary of state, on the part of the United States, and Messrs. Van Zandt and Henderson on the part of Texas. On being submitted to the senate, by the president, it was rejected, on the 8th of June, by a vote of ayes 16, noes 35. Of those who voted in the negative, seven were democrats, viz., Messrs. Fairfield, of Maine, Atherton, of New Hampshire, Niles, of Connecticut, Wright, of New York, Allen and Tappan, of Ohio,



and Benton, of Missouri. Immediately after the rejection of the treaty, Mr. Benton, in open senate, introduced a bill for the annexation of Texas, consent of Mexico to be first obtained.

The president sent a message to the house of representatives, announcing the rejection of the treaty with Texas, with a view of inducing that body to originate some measure by which to accomplish the object which the treaty contemplated. The house referred the message to their committee on foreign relations, but the subject was not definitely acted on until the next session. In the senate, on the 10th of June, Mr. Benton, in a speech of two hours, characterized the Texas project as a fraud upon the people of the country—a base, wicked, miserable presidential intrigue, originating in the most vicious purpose, and, so far, prosecuted for the most knavish conclusions, regardless alike of the character of the country, its treaty obligations, or its peace. He moved to suspend all previous orders, for the purpose of taking up the bill which he had submitted for the annexation of Texas, when Mexico should sanction the measure. The message of President Tyler, appealing from the decision of the senate, in a case in which the constitution makes that body expressly his advisers and the controllers of his course, Mr. Benton considered to be an insult to that body, which merited impeachment. He alluded to his own far-back prophecies and writings, concerning Texas, and made some allusions to Messrs. Walker and Woodbury, "Texas neophytes," who had been so anxious to make great demonstrations of love for Texas. For himself, he entertained no such anxiety, because his sentiments had always been known. It was not with him a question of "now or never;" but Texas then, now, and always.

An effort was made by the most zealous office-holders under the general government, and other persons interested in the success of Mr. Tyler, to create a popularity for the president out of the question of the annexation of Texas; but the attempt to enlist the feelings of the advocates of that measure in favor of the re-election of Mr. Tyler to the presidency, proved a total failure.

It was evident, however, that the Texas question was becoming one of great importance, and that the annexation of that territory to the United States was daily growing in favor with the people of the southern and western states. The democratic party, therefore, in the southern section of the Union, resolved to present the Texas question to the people as a new issue at the approaching presidential election. As a large proportion of the party in the northern states were opposed to the annexation of Texas, there was a prospect of disunion in the democratic ranks.

The national conventions of both the whig and democratic parties were to be held in May, 1844, for the purpose of nominating candidates for president and vice-president. Mr. Clay, of Kentucky, was the whig candidate named for the presidency, by general consent of that party. Mr.

Van Buren appeared to be preferred to any other candidate, by the largest proportion of the democratic party.

In answer to letters and inquiries addressed to them on the Texas question, both Mr. Clay and Mr. Van Buren came out, in the month of April, 1844, with their views on the subject. They were both understood to be unfavorable to the immediate annexation of Texas, particularly without the consent of Mexico. Mr. Clay's letter was generally satisfactory to his political friends; but the course of Mr. Van Buren determined the democrats of the south to prevent his nomination for the presidency, by the convention of that party, if possible, and to seek some other candidate, who was favorable to southern views and feelings on the Texas question.

The whig national convention, for the nomination of president and vice-president, met at Baltimore, on the 1st of May, 1844. Every state in the Union was represented by delegates, and the Hon. Ambrose Spencer, of New York, was chosen president of the convention, assisted by a number of vice-presidents and secretaries. Henry Clay, of Kentucky, was nominated by acclamation, as the candidate to be supported by the whigs, for president of the United States, at the ensuing election; and on the third vote, Theodore Frelinghuysen, formerly of New Jersey, but then a resident of New York, was nominated as the candidate for vice-president. Great unanimity prevailed in the convention after the nominations were announced, and enthusiastic demonstration to support the candidates named.

The democratic national convention of delegates for the nomination of candidates for president and vice-president, met at Baltimore, on the 27th of May, 1844. The states were all represented, except South Carolina. The Hon. Hendrick B. Wright, of Pennsylvania, was chosen president of the convention, assisted by numerous vice-presidents and secretaries. Most of the delegations from the different states had been instructed to vote for Mr. Van Buren for president, but the Texas question had been taken up by the party since those instructions were given, and Mr. Van Buren's letter on the subject had rendered the policy of his nomination doubtful with many who had been anxious for his re-election to the presidency.

On the first ballot by the convention, for a candidate for president, Mr. Van Buren received 146 votes, General Cass 83, Colonel Johnson, of Kentucky, 24, Mr. Calhoun 6, and there were 7 for other persons; thus showing a decided majority in favor of Mr. Van Buren. But the convention having adopted the rule which had governed on former similar occasions, requiring two thirds of the votes for a nomination, no choice was made. Seven subsequent ballots took place, on the last of which Mr. Van Buren received 104 votes, General Cass 114, and 44 for James K. Polk, of Tennessee. The Virginia and New York delegations then each separately retired for consultation, and on their return to the convention it

the senate, and by the house, by more than a two-third vote (in the latter by 126 to 31), and thus became a law, notwithstanding the veto. A bill making appropriations for certain harbors and rivers, passed both houses, near the close of the session, but was retained by the president, and thus failed to become a law, in consequence of what was called a "pocket veto," which was the last act of Mr. Tyler's administration, as a similar act had been that of President Jackson's, in 1837.

Thus ended the administration of John Tyler; of whom it may be said, that he retired without the regret of either of the two great political parties of the country; as by his course he had lost the confidence of that party by which he was elected, without gaining that of their political opponents. Many important matters, however, were accomplished by this administration, the credit of which was bestowed upon others, instead of the president. Thus the protective tariff act of 1842 was accomplished by a whig Congress, although approved by the executive; and the settlement of the northeastern boundary question, by the treaty with Great Britain, was accredited to the energy and skill of the secretary of state, Mr. Webster; while the annexation of Texas was a measure which was mainly pushed to completion through the ability and exertions of another secretary of state, Mr. Calhoun; and any benefits that were derived from it as forming political capital, were seized upon and used by the democratic party, for the purpose of coming into power, by the election of Polk and Dallas. It would be unjust, however, to deny to Mr. Tyler whatever merit is his due from the circumstance of having used every exertion to carry through the Texas measure during his administration. Nor is it to be denied that the foreign relations of the United States were ably managed during his presidential term, and that he generally surrounded himself with able counsellors in his cabinet.





James K. Polk, from a 19th-century engraving

*James K. Polk*

# BIOGRAPHICAL SKETCH

OF

## JAMES KNOX POLK.

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**JAMES KNOX POLK**, the eleventh president of the United States, is the oldest of ten children, and was born on the second of November, 1795, in Mecklenburg county, North Carolina. His ancestors, whose original name, Pollock, has, by obvious transition, assumed its present form, emigrated in the early part of the eighteenth century, from Ireland. The family traces their descent from Robert Polk, who was born and married in Ireland; his wife, Magdalen Tusker, was the heiress of Mowning hill. They had six sons and two daughters; Robert Polk, the progenitor of James Knox Polk, was the fifth son; he married a Miss Gullet, and removed to America. Ezekiel Polk, the grandfather of James K. Polk, was one of his sons.

The Polk family settled in Somerset county, on the eastern shore of Maryland, where some of their descendants still sojourn. Being the only democrats of note in that county, they were called the democratic family. The branch of the family from which the president is descended, removed to the neighborhood of Carlisle, in Pennsylvania, and thence to the western frontier of North Carolina, sometime before the commencement of the revolutionary war. Some of the Polk family were honorably distinguished in that eventful struggle. On the twentieth of May, 1775, consequently more than twelve months anterior to the declaration of independence of the fourth of July, 1776, the assembled inhabitants of Mecklenburg county publicly absolved themselves from their allegiance to the British crown, and issued a formal manifesto of independence, in terms of manly eloquence, similar to some of the expressions in the declaration of the American Congress adopted more than a year afterward. Colonel Thomas Polk, the prime mover in this act of noble daring, and one of the signers of this first declaration of independence, was the great uncle of the president; and the family is also connected with the Alexanders, chairman and sec-

retary of the meeting which adopted the declaration, as well as with Dr. Ephraim Brevard, the author of the declaration itself.

The father of James K. Polk was a farmer of unassuming pretensions, but enterprising character. Thrown upon his own resources in early life, he became the architect of his own fortunes. He was a warm supporter of Mr. Jefferson, and through life a firm and undeviating democrat. In the autumn of 1806 he removed, with his family of ten children, from the homestead in North Carolina, to Tennessee, where he was one of the pioneers of the fertile valley of Duck river, a branch of the Cumberland, then a wilderness, but now the most flourishing and populous portion of the state. In this region the subject of this sketch resided, until his election to the presidency, so that he may be said, literally, to have grown with its growth, and strengthened with its strength. Of course, in the infancy of its settlement, the opportunities for instruction could not be great. Notwithstanding this disadvantage—and the still more formidable one of a painful affection from which, after years of suffering, he was finally relieved by a surgical operation—he acquired the elements of a good English education. Apprehending that his constitution had been too much impaired to permit the confinement of study, his father determined, much, however, against the will of the son, to make him a commercial man; and with this view placed him with a merchant.

He remained a few weeks in a situation adverse to his wishes, and incompatible with his taste. Finally, his earnest appeals succeeded in overcoming the resistance of his father, and in July, 1813, he was placed, first under the care of the Rev. Dr. Henderson, and subsequently at the academy of Murfreesborough, Tennessee, then under the direction of Mr. Samuel P. Black, justly celebrated in that region as a classical teacher. In the autumn of 1815 he entered the university of North Carolina, having, in less than two years and a half, thoroughly prepared himself to commence his collegiate course, being then in the twentieth year of his age.

Mr. Polk's career at the university was distinguished. At each semi-annual examination, he bore away the first honor, and finally graduated in 1818, with the highest distinction of his class, and with the reputation of being the first scholar in both the mathematics and classics. Of the former science he was passionately fond, though equally distinguished as a linguist. His course at college was marked by the same assiduity and studious application which have since distinguished him. His ambition to excel was equalled by his perseverance alone; in proof of which, it is said that he never missed a recitation, nor omitted the punctilious performance of any duty. Habits of close application at college are apt to be despised by those who pride themselves on brilliancy of mind, as if they were incompatible. This is a melancholy mistake. Genius has ever been defined the faculty of appreciation. The latter is, at least, something better, and more available. So carefully has Mr. Polk avoided the ped-

antry of classical display, which is the false taste of our day and country, as almost to hide the acquisitions which distinguished his early career. His preference for the useful and substantial, indicated by his youthful passion for the mathematics, has made him select a style of elocution which would perhaps be deemed too plain by the admirers of flashy declamation.\*

From the university he returned to Tennessee, with health impaired by application, and, in the beginning of the year 1819, commenced the study of the law (that profession which has furnished nine of the eleven presidents of the United States), in the office of the late Felix Grundy, for many years a representative and senator of Tennessee in Congress; under whose auspices he was admitted to the bar, at the close of 1820. He commenced his professional career in the county of Maury, with great advantages, derived from the connexion of his family with its early settlement. His warmest friends were the sharers of his father's early privations and difficulties, and the associates of his own youth. But his success was due to his personal qualities still more than to extrinsic advantages. A republican in habits as well as in principles, depending for the maintenance of his dignity upon the esteem of others, and not upon his own assumption, his manners conciliated the general good will. The confidence of his friends was justified by the result. His thorough academical education, his accurate knowledge of the law, his readiness and resources in debate, his unwearied application to business, secured him, at once, full employment, and in less than a year he was already a leading practitioner.

Mr. Polk continued to devote some years exclusively to the prosecution of his profession, with a progressive augmentation of reputation, and the more solid rewards by which it is accompanied. In 1823, he entered upon the stormy career of politics, being chosen to represent his county in the state legislature, by a heavy majority over the former incumbent, but not without formidable opposition. He was for two successive years a member of that body, where his ability in debate, and talent for business, at once gave him reputation. The early personal and political friend of General Jackson, he was one of those who, in the session of 1823-'24, called that distinguished man from his retirement, by electing him to the senate of the United States.

In August, 1825, being then in his thirtieth year, Mr. Polk was chosen to represent his district in Congress, and took his seat in the national councils in December following. He brought with him those fundamental principles to which he has adhered through all the mutations of party. From his early youth he was a democratic republican of the strictest sect. He has ever regarded the constitution of the United States as an instrument of specific and limited powers, and he was found in opposition to

\* For a part of this sketch we are indebted to the Democratic Review of May, 1838.



every measure that aimed to consolidate federal power, or to detract from the dignity and legitimate functions of the state governments. He signalized his hostility to the doctrines of those who held to a more liberal construction of the constitution, in all their modes. He always refused his assent to the appropriation of money by the federal government for what he deemed the unconstitutional purpose of constructing works of internal improvement within the states. He took ground early against the constitutionality as well as expediency of a national bank; and in August, 1829, consequently several months before the appearance of General Jackson's first message, announced then his opinions in a published letter to his constituents. He has ever been opposed to a tariff for protection, and was, at all times, the strenuous advocate of a reduction of the revenue to the economical wants of the government. Entertaining these opinions, and entering Congress, as he did, at the first session after the election of John Quincy Adams to the presidency, he promptly took his stand against the doctrines developed in the message of that chief magistrate, and was, during the continuance of his administration, resolutely opposed to its leading measures.

When Mr. Polk entered Congress, he was, with one or two exceptions, the junior member of that body. His first speech was in favor of a proposition to amend the constitution in such manner as to prevent the choice of president of the United States from devolving on Congress in any event. This speech at once attracted public attention by the force of its reasoning, the copiousness of its research, and the spirit of indignation, with reference to the then recent election by Congress, by which it was animated. At the same session the subject of the Panama mission was brought before Congress, and the project was opposed by Mr. Polk, who strenuously protested against the doctrine of the friends of the administration, that as the president and senate are the treaty-making power, the house of representatives can not deliberate upon, nor refuse the appropriations necessary to carry them into effect. The views of Mr. Polk he embodied in a series of resolutions, which reproduced in a tangible shape, the doctrines, on this question, of the republican party of 1798. The first of these resolutions declares, "that it is the constitutional right and duty of the house of representatives, when called upon for appropriations to defray the expenses of foreign missions, to deliberate on the expediency of such missions, and to determine and act thereon, as in their judgment may seem most conducive to the public good."

From this time Mr. Polk's history became inseparably interwoven with that of the house. He was prominently connected with every important question, and upon every one took the boldest democratic ground. He continued to oppose the administration of Mr. Adams until its termination, and during the whole period of General Jackson's terms he was one of its leading supporters, and at times, and on certain questions of paramount

importance its chief reliance. In December, 1827, Mr. Polk was placed on the committee of foreign affairs, and sometime after, as chairman of a select committee, he made a report on the surplus revenue, denying the constitutional power of Congress to collect from the people, for distribution, a surplus beyond the wants of the government, and maintaining that the revenue should be reduced to the exigencies of the public service. In 1830, he defended the act of General Jackson in placing his veto on the Maysville road bill, and thus checking the system of internal improvement by the general government, which had been entered upon by Congress.

In December, 1832, Mr. Polk was transferred to the committee of ways and means, and at that session presented the report of the minority of that committee, with regard to certain charges against the United States bank; this minority report presenting conclusions utterly adverse to the institution which had been the subject of inquiry.

The course of Mr. Polk arrayed against him the friends of the bank, and they held a meeting at Nashville to denounce his report. His re-election to Congress was opposed, but, after a violent contest, Mr. Polk was re-elected by a majority of more than three thousand. In September, 1833, President Jackson determined upon the removal of the public deposits from the bank of the United States. This measure, which caused great excitement throughout the country, was carried into effect in October following, and at the subsequent session of Congress it was the leading subject of discussion. In the senate the president was censured for the measure, but he was sustained in the house of representatives. On this occasion Mr. Polk, as chairman of the committee of ways and means, vindicated the president's measure, and by his coolness, promptitude, and skill, carried through the resolutions of the committee relating to the bank and the deposits, and sustaining the administration, after which the cause of the bank was abandoned in Congress.

Toward the close of the memorable session of 1834, Mr. Speaker Stevenson resigned the chair, as well as his seat in the house. The majority of the democratic party preferred Mr. Polk as his successor, but in consequence of a division in its ranks, the opposition united with the democratic friends of John Bell, of Tennessee, and thereby succeeded in electing that gentleman, then a professed friend, but since a decided opponent, of the president and his measures. Mr. Polk's defeat produced no change in his course. He remained faithful to his party, and assiduous in the performance of his arduous duties.

In December, 1835, Mr. Polk was elected speaker of the house of representatives, and again chosen to that station in 1837, at the extra session held in the first year of Mr. Van Buren's administration. The duties of speaker were discharged by him during five sessions, with ability, at a time when party feelings ran high in the house, and in the beginning unusual difficulties were thrown in his way by the animosity of his political

opponents. During the first session in which he presided, more appeals were taken from his decision than had occurred in the whole period since the origin of the government; but he was uniformly sustained by the house, including many of his political adversaries. Notwithstanding the violence with which he had been assailed, Congress passed, at the close of the session, in March, 1837, a unanimous vote of thanks to its presiding officer, from whom it separated with the kindest feelings. In the twenty-fifth Congress, over which he presided as speaker at three sessions, commencing in September, 1837, and ending in March, 1839, parties were more nearly balanced (Mr. Polk's majority as speaker being only eight), and the most exciting questions were agitated during the whole period. At the close of the term, Mr. Elmore, of South Carolina, moved "that the thanks of the house be presented to the Hon. James K. Polk, for the able, impartial, and dignified manner in which he has presided over its deliberations, and performed the arduous and important duties of the chair." On this resolution, a long and excited debate arose, which was terminated by the previous question; when the resolution was adopted by 94 in the affirmative to 57 in the negative. But few of the members of the opposition concurred in the vote of approval. The speaker, in adjourning the house, made a reply of more than ordinary length, and showing, on his part, deep feeling. Among other remarks, he said: "When I look back to the period when I first took my seat in this house, and then look around me for those who were at that time my associates here, I find but few, very few, remaining. But five members who were here with me fourteen years ago, continue to be members of this body. My service here has been constant and laborious. I can perhaps say what but few others, if any, can, that I have not failed to attend the daily sittings of this house a single day since I have been a member of it, save on a single occasion, when prevented for a short time by indisposition. In my intercourse with the members of this body, when I occupied a place upon the floor, though occasionally engaged in debates upon interesting public questions, and of an exciting character, it is a source of unmingled gratification to me to recur to the fact, that on no occasion was there the slightest personal or unpleasant collision with any of its members. Maintaining, and at all times expressing, my own opinions firmly, the same right was fully conceded to others. For four years past, the station I have occupied, and a sense of propriety, in the divided and unusually-excited state of public opinion and feeling, which has existed both in this house and the country, have precluded me from participating in your debates. Other duties were assigned me.

"The high office of speaker, to which it has been twice the pleasure of this house to elevate me, has been at all times one of labor and high responsibility. It has been made my duty to decide more questions of parliamentary law and order, many of them of a complex and difficult

character, arising often in the midst of high excitement, in the course of our proceedings, than had been decided, it is believed, by all my predecessors, from the foundation of the government. This house has uniformly sustained me, without distinction of the political parties of which it has been composed. I return them my thanks for their constant support in the discharge of the duties I have had to perform.

"But, gentlemen, my acknowledgments are especially due to the majority of this house, for the high and flattering evidence they have given me of their approbation of my conduct as the presiding officer of the house, by the resolution you have been pleased to pass. I regard it as of infinitely more value than if it had been the common, matter-of-course, and customary resolution which, in the courtesy usually prevailing between the presiding officer and the members of any deliberative assembly, is always passed, at the close of their deliberations. I regard this as the highest and most valued testimonial I have ever received from this house, because I know that the circumstances under which it has passed, have made it matter of substance, and not of mere form. I shall bear it in grateful remembrance to the latest hour of my life.

"I trust this high office may in future times be filled, as doubtless it will be, by abler men. It can not, I know, be filled by any one who will devote himself with more zeal and untiring industry to do his whole duty, than I have done."

Few public men have pursued a firmer or more consistent course than Mr. Polk, in adhering to the democratic party, in every vicissitude. In 1835, when all of his colleagues of the Tennessee delegation, in the house of representatives, determined to support Judge White, of that state, as the successor to General Jackson, for the presidency, he incurred the hazard of losing his popularity throughout the state, by avowing his unalterable purpose not to separate from the great body of the democratic party, in the presidential election. He therefore became identified with the friends of Mr. Van Buren, in Tennessee, in 1836, when Judge White received the vote of the state by a popular majority of over nine thousand.

After a service of fourteen years in Congress, Mr. Polk in 1839 declined a re-election from the district which had so long sustained him. He was then taken up by the friends of the administration in Tennessee, as a candidate for governor, to oppose Newton Cannon, who was then governor of the state, and supported by the Whig party for re-election. After an animated canvass, during which Mr. Polk visited the different counties of that extensive state, and addressed the people on the political topics of the day, the election took place in August, 1839, and resulted in a majority for Mr. Polk, of more than 2,500 over Governor Cannon. At the ensuing session of the legislature, Governor Polk was nominated by that body for vice-president of the United States, to be placed on the ticket with Mr. Van Buren. He was afterward nominated

for the same office in several other states, but at the election of 1840 he received one electoral vote only for vice-president, which was given by one of the electors in Virginia.

Having served as governor of Tennessee for the constitutional term of two years, Mr. Polk was a candidate for re-election in August, 1841. His prospect was unpromising, as the state in 1840 showed a Whig majority of twelve thousand at the presidential election. The result was the defeat of Mr. Polk, and the election of James C. Jones, the whig candidate, as governor, by a majority of 3,224. Mr. Polk therefore retired from public life, at the expiration of his executive term. Two years after, in 1843, he was again a candidate for the executive chair, in opposition to Governor Jones, but he was the second time defeated, and the whig candidate re-elected, by a majority of 3,833.

From October, 1841, until his elevation to the highest office in the Union, Mr. Polk remained in private life, not, however, an inert spectator of the wild and troubled drama of politics. Happy in the confidence of his immediate neighbors, and his numerous political friends throughout the state, in the affections of a charming family, and in the ardent friendship of Andrew Jackson; he had determined to withdraw himself from the anxieties and labors of public life. But the voice of the democracy of Tennessee forbade the gratification of his wishes; as we have seen, he was repeatedly summoned to stand forward as its representative for governor of the state, and he yielded to the summons, whatever might have been the prospects of success.

Mr. Polk did not conceal his opinions on political subjects, when called upon by his fellow-citizens to express them. Those who differed from him had no difficulty in ascertaining the fact of the difference. A proof of this was found in the circumstance which developed his opinions on the subject of Texas. The citizens of Cincinnati had, early in 1844, expressed their "settled opposition" to the annexation of that republic to the United States, and invited him to announce his concurrence in their judgment. In his reply, he said: "Let Texas be re-annexed, and the authority and laws of the United States be established and maintained within her limits, as also in the Oregon territory, and let the fixed policy of our government be, not to permit Great Britain to plant a colony or hold dominion over any portion of the people or territory of either. These are my opinions; and without deeming it necessary to extend this letter, by assigning the many reasons which influence me in the conclusions to which I come, I regret to be compelled to differ so widely from the views expressed by yourselves, and the meeting of citizens of Cincinnati, whom you represent."

On the 29th of May, 1844, Mr. Polk received the nomination of the democratic national convention, assembled at Baltimore, for president of the United States. To this high office he was elected in the fall of the

same year, by the people of the United States, and his majority over Mr. Clay, the Whig candidate, as expressed through the electoral colleges, in December, 1844, was 65. The votes of the presidential electors were—for James K. Polk 170, for Henry Clay, 105. George M. Dallas was elected vice-president by the same majority, over Theodore Frelinghuysen. The votes were counted in the house of representatives, on the 10th of February, 1845. The president elect, having repaired to the seat of government, informed the joint committee of Congress, who waited on him, that, "in signifying his acceptance of the office to which he had been chosen by the people, he expressed his deep sense of gratitude to them, for the confidence which they had reposed in him, and requested the committee to convey to their respective houses of Congress, assurances, that, in executing the responsible duties which would devolve upon him, it would be his anxious desire to maintain the honor and promote the welfare of the country."

The administration of Mr. Polk commenced on the 4th of March, 1845, and continued four years. It was distinguished by the war with Mexico, the treaty with that republic, by which California and New Mexico were ceded to the United States, and other important measures, the details of which we have given in their appropriate place. Having declined a nomination for re-election to the presidency, he was succeeded on the 4th of March, 1849, by General Taylor, and attended at the inauguration of that president, on the 5th of March.

Soon after the inauguration of his successor, Mr. Polk returned to Tennessee, having selected for his future residence a mansion at Nashville, passing through several of the southern states on his way. He was everywhere received by the people with respect, and honored with the demonstrations due to his character and the high office he had filled.

In the retirement which he had chosen to pass the remnant of his days, and in about three months after his term of office had expired, he was seized with a dangerous illness, a chronic diarrhœa, and, after a few days of suffering, died on the 15th of June, 1849, being then in the fifty-fourth year of his age. Public honors were paid to his memory throughout the Union.

The announcement of the death of Mr. Polk was made by the president of the United States, on the 19th of June, in the following form:—

"The president, with deep regret, announces to the American people the death of James Knox Polk, late president of the United States, which occurred at Nashville, Tennessee, on the 15th instant. A nation is suddenly called upon to mourn the loss of one, the recollection of whose long services in the councils will be for ever preserved on the tablets of history.

"As a mark of respect to the memory of a citizen who has been distinguished by the highest honors which his country can bestow, it is ordered

that the executive mansion, and the several departments at Washington, be immediately placed in mourning, and business be suspended during to-morrow. It is further ordered, that the war and navy departments cause suitable military and naval honors to be paid on this occasion to the memory of the illustrious dead.

"Z. TAYLOR."

Mr. Polk was married more than twenty-four years before the close of his life, to Sarah, daughter of Joel Childers, Esq., a merchant of Rutherford county, Tennessee, an amiable and accomplished lady, for many years a member of the presbyterian church. During his administration, Mrs. Polk attracted much admiration at Washington for her exemplary conduct, and her pleasing manners, equally suited to adorn the circles of private life and her exalted station, as lady of the president. She cheered his last hours, and remained his widow. Mr. Polk left no children to lament his loss.

In person, President Polk was of middle stature, with a full angular brow, and a quick, penetrating eye. The expression of his countenance was grave; and at the close of his presidential term, he appeared careworn. The serious cast of his countenance was often relieved by a pleasant smile, indicative of the amenity of his disposition. In private life he was much esteemed. He was unostentatious in his deportment, and in his last illness indicated his religious views by receiving the ordinance of baptism from a clergyman of the methodist church.

POLK'S

ADDRESSES AND MESSAGES.

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INAUGURAL ADDRESS.

MARCH 4, 1845.

*Fellow-Citizens :—*

WITHOUT solicitation on my part, I have been chosen by the free and voluntary suffrages of my countrymen to the most honorable and most responsible office on earth. I am deeply impressed with gratitude for the confidence reposed in me. Honored with this distinguished consideration at an earlier period of life than any of my predecessors, I can not disguise the diffidence with which I am about to enter on the discharge of my official duties.

If the more aged and experienced men who have filled the office of president of the United States, even in the infancy of the republic, distrusted their ability to discharge the duties of that exalted station, what ought not to be the apprehensions of one so much younger and less endowed, now that our domain extends from ocean to ocean, that our people have so greatly increased in numbers, and at a time when so great diversity of opinion prevails in regard to the principles and policy which should characterize the administration of our government? Well may the boldest fear, and the wisest tremble, when incurring responsibilities on which may depend our country's peace and prosperity, and, in some degree, the hopes and happiness of the whole human family.

In assuming responsibilities so vast, I fervently invoke the aid of that Almighty Ruler of the universe, in whose hands are the destinies of nations and of men, to guard this heaven-favored land against the mischiefs which, without his guidance, might arise from an unwise public policy. With a firm reliance upon the wisdom of Omnipotence to sustain and direct me in the path of duty which I am appointed to pursue, I stand in the presence of this assembled multitude of my countrymen, to take upon myself the solemn obligation, "to the best of my ability, to preserve, protect, and defend the constitution of the United States."

A concise enumeration of the principles which will guide me in the administrative policy of the government, is not only in accordance with the examples set me by all my predecessors, but is eminently befitting the occasion.

The constitution itself, plainly written as it is, the safeguard of our federative compact, the offspring of concession and compromise, binding



together in the bonds of peace and union this great and increasing family of free and independent states, will be the chart by which I shall be directed.

It will be my first care to administer the government in the true spirit of that instrument, and to assume no powers not expressly granted or clearly implied in its terms. The government of the United States is one of delegated and limited powers; and it is by a strict adherence to the clearly granted powers, and by abstaining from the exercise of doubtful or unauthorized implied powers, that we have the only sure guarantee against the recurrence of those unfortunate collisions between the federal and state authorities, which have occasionally so much disturbed the harmony of our system, and even threatened the perpetuity of our glorious Union.

"To the states, respectively, or to the people," have been reserved "the powers not delegated to the United States by the constitution, nor prohibited by it to the states." Each state is a complete sovereignty within the sphere of its reserved powers. The government of the Union, acting within the sphere of its delegated authority, is also a complete sovereignty. While the general government should abstain from the exercise of authority not clearly delegated to it, the states should be equally careful that, in the maintenance of their rights, they do not overstep the limits of powers reserved to them. One of the most distinguished of my predecessors attached deserved importance to "the support of the state government in all their rights, as the most competent administration for our domestic concerns, and the surest bulwark against anti-republican tendencies;" and to the "preservation of the general government in its whole constitutional vigor, as the sheet-anchor of our peace at home, and safety abroad."

To the government of the United States has been intrusted the exclusive management of our foreign affairs. Beyond that, it wields a few general enumerated powers. It does not force reform on the states. It leaves individuals, over whom it casts its protecting influence, entirely free to improve their own condition by the legitimate exercise of all their mental and physical powers. It is a common protector of each and all the states; of every man who lives upon our soil, whether of native or foreign birth; of every religious sect, in their worship of the Almighty according to the dictates of their own conscience; of every shade of opinion, and the most free inquiry; of every art, trade, and occupation, consistent with the laws of the states; and we rejoice in the general happiness, prosperity, and advancement of our country, which have been the offspring of freedom, and not of power.

This most admirable and wisest system of well-regulated self-government among men, ever devised by human minds, has been tested by its successful operation for more than half a century; and, if preserved from the usurpations of the federal government on the one hand, and the exercise by the states of powers not reserved to them on the other, will, I fervently hope and believe, endure for ages to come, and dispense the blessings of civil and religious liberty to distant generations. To effect objects so dear to every patriot, I shall devote myself with anxious solicitude. It will be my desire to guard against that most fruitful source of danger to the harmonious action of our system, which consists in substituting the mere discretion and caprice of the executive, or of majorities in the legislative department of the government, for powers which have been withheld from the federal government by the constitution. By the

theory of our government, majorities rule ; but this right is not an arbitrary or unlimited one. It is a right to be exercised in subordination to the constitution, and in conformity to it. One great object of the constitution was to restrain majorities from oppressing minorities, or encroaching upon their just rights. Minorities have a right to appeal to the constitution, as a shield against such oppression.

That the blessings of liberty which our constitution secures may be enjoyed alike by minorities and majorities, the executive has been wisely invested with a qualified veto upon the acts of the legislature. It is a negative power, and is conservative in its character. It arrests for the time hasty, inconsiderate, or unconstitutional legislation ; invites reconsideration, and transfers questions at issue between the legislative and executive departments to the tribunal of the people. Like all other powers, it is subject to be abused. When judiciously and properly exercised, the constitution itself may be saved from infraction, and the rights of all preserved and protected.

The inestimable value of our federal Union is felt and acknowledged by all. By this system of united and confederated states, our people are permitted, collectively and individually, to seek their own happiness in their own way ; and the consequences have been most auspicious. Since the Union was formed, the number of the states has increased from thirteen to twenty-eight ; two of these have taken their position as members of the confederacy within the last week. Our population has increased from three to twenty millions. New communities and states are seeking protection under its ægis, and multitudes from the Old World are flocking to our shores to participate in its blessings. Beneath its benign sway, peace and prosperity prevail. Freed from the burdens and miseries of war, our trade and intercourse have extended throughout the world. Mind, no longer tasked in devising means to accomplish or resist schemes of ambition, usurpation, or conquest, is devoting itself to man's true interests, in developing his faculties and powers, and the capacity of nature to minister to his enjoyments. Genius is free to announce its inventions and discoveries ; and the hand is free to accomplish whatever the head conceives, not incompatible with the rights of a fellow-being. All distinctions of birth or of rank have been abolished. All citizens, whether native or adopted, are placed upon terms of precise equality. All are entitled to equal rights and equal protection. No union exists between church and state ; and perfect freedom of opinion is guarantied to all sects and creeds.

These are some of the blessings secured to our happy land by our federal Union. To perpetuate them, it is our sacred duty to preserve it. Who shall assign limits to the achievements of free minds and free hands, under the protection of this glorious Union ? No treason to mankind since the organization of society would be equal in atrocity to that of him who would lift his hand to destroy it. He would overthrow the noblest structure of human wisdom, which protects himself and his fellow-man. He would stop the progress of free government, and involve his country either in anarchy or despotism. He would extinguish the fire of liberty which warms and animates the hearts of happy millions, and invites all the nations of the earth to imitate our example. If he say that error and wrong are committed in the administration of the government, let him remember that nothing human can be perfect ; and that under no other system of government revealed by Heaven, or devised by man, has reason been al-

lowed so free and broad a scope to combat error. Has the sword of despots proved to be a safer or surer instrument of reform in government than enlightened reason? Does he expect to find among the ruins of this Union a happier abode for our swarming millions than they now have under it? Every lover of his country must shudder at the thought of the possibility of its dissolution, and will be ready to adopt the patriotic sentiment, "Our Federal Union—it must be preserved." To preserve it, the compromises which alone enabled our fathers to form a common constitution for the government and protection of so many states and distinct communities, of such diversified habits, interests, and domestic institutions, must be sacredly and religiously observed. Any attempt to disturb or destroy these compromises, being terms of the compact of union, can lead to none other than the most ruinous and disastrous consequences.

It is a source of deep regret, that, in some sections of our country, misguided persons have occasionally indulged in schemes and agitations, whose object is the destruction of domestic institutions existing in other sections—institutions which existed at the adoption of the constitution, and were recognised and protected by it. All must see, that if it were possible for them to be successful in attaining their object, the dissolution of the Union, and the consequent destruction of our happy form of government, must speedily follow.

I am happy to believe that, at every period of our existence as a nation, there has existed, and continues to exist, among the great mass of our people, a devotion to the union of the states which will shield and protect it against the moral treason of any who would seriously contemplate its destruction. To secure a continuance of that devotion, the compromises of the constitution must not only be preserved, but sectional jealousies and heartburnings must be discountenanced; and all should remember that they are members of the same political family, having a common destiny. To increase the attachment of our people to the Union, our laws should be just. Any policy which shall tend to favor monopolies, or the peculiar interests of sections or classes, must operate to the prejudice of the interests of their fellow-citizens, and should be avoided. If the compromises of the constitution be preserved, if sectional jealousies and heartburnings be discountenanced, if our laws be just, and the government be practically administered strictly within the limits of power prescribed to it, we may discard all apprehensions for the safety of the Union.

With these views of the nature, character, and objects of the government, and the value of the Union, I shall steadily oppose the creation of those institutions and systems which, in their nature, tend to pervert it from its legitimate purposes, and make it the instrument of sections, classes, and individuals. We need no national banks, or other extraneous institutions, planted around the government, to control or strengthen it in opposition to the will of its authors. Experience has taught us how unnecessary they are as auxiliaries of the public authorities, how impotent for good, and how powerful for mischief.

Ours was intended to be a plain and frugal government; and I shall regard it to be my duty to recommend to Congress, and, as far as the executive is concerned, to enforce by all the means within my power, the strictest economy in the expenditure of the public money, which may be compatible with the public interests.

A national debt has become almost an institution of European mon-

archies. It is viewed, in some of them, as an essential prop to existing governments. Melancholy is the condition of that people whose government can be sustained only by a system which periodically transfers large amounts from the labor of the many to the coffers of the few. Such a system is incompatible with the ends for which our republican government was instituted. Under a wise policy, the debts contracted in our revolution, and during the war of 1812, have been happily extinguished. By a judicious application of the revenues not required for other necessary purposes, it is not doubted that the debt which has grown out of the circumstances of the last few years may be speedily paid off.

I congratulate my fellow-citizens on the entire restoration of the credit of the general government of the Union, and that of many of the states. Happy would it be for the indebted states if they were freed from their liabilities, many of which were incautiously contracted. Although the government of the Union is neither in a legal nor a moral sense bound for the debts of the states, and it would be a violation of our compact of Union to assume them, yet we can not but feel a deep interest in seeing all the states meet their public liabilities, and pay off their just debts, at the earliest practicable period. That they will do so, as soon as it can be done without imposing too heavy burdens on their citizens, there is no reason to doubt. The sound, moral, and honorable feeling of the people of the indebted states can not be questioned; and we are happy to perceive a settled disposition on their part, as their ability returns, after a season of unexampled pecuniary embarrassment, to pay off all just demands, and to acquiesce in any reasonable measures to accomplish that object.

One of the difficulties which we have had to encounter, in the practical administration of the government, consists in the adjustment of our revenue laws, and the levy of the taxes necessary for the support of government. In the general proposition, that no more money shall be collected than the necessities of an economical administration shall require, all parties seem to acquiesce. Nor does there seem to be any material difference of opinion as to the absence of right in the government to tax one section of country, or one class of citizens, or one occupation, for the mere profit of another. "Justice and sound policy forbid the federal government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion to the injury of another portion of our common country." I have heretofore declared to my fellow-citizens, that, in "my judgment, it is the duty of the government to extend, as far as it may be practicable to do so, by its revenue laws, and all other means within its power, fair and just protection to all the great interests of the whole Union, embracing agriculture, manufactures, the mechanic arts, commerce, and navigation." I have also declared my opinion to be "in favor of a tariff for revenue;" and that, "in adjusting the details of such a tariff, I have sanctioned such moderate discriminating duties as would produce the amount of revenue needed, and, at the same time, afford reasonable incidental protection to our home industry;" and that I was "opposed to a tariff for protection merely, and not for revenue."

The power "to lay and collect taxes, duties, imposts, and excises," was an indispensable one to be conferred on the federal government, which, without it, would possess no means of providing for its own support. In executing this power by levying a tariff of duties for the support of government, the raising of revenue should be the *object*, and *protection* the

*incident* To reverse this principle, and make *protection* the *object*, and *revenue* the *incident*, would be to inflict manifest injustice upon all other than the protected interests. In levying duties for revenue, it is doubtless proper to make such discriminations within the *revenue principle* as will afford incidental protection to our home interests. Within the revenue limit, there is a discretion to discriminate; beyond that limit, the rightful exercise of the power is not conceded. The incidental protection afforded to our home interests by discriminations within the revenue range, it is believed will be ample. In making discriminations, all our home interests should, as far as practicable, be equally protected. The largest portion of our people are agriculturists. Others are employed in manufactures, commerce, navigation, and the mechanic arts. They are all engaged in their respective pursuits, and their joint labors constitute the national or home industry. To tax one branch of this home industry, for the benefit of another, would be unjust. No one of these interests can rightfully claim an advantage over the others, or to be enriched by impoverishing the others. All are equally entitled to the fostering care and protection of the government. In exercising a sound discretion in levying discriminating duties within the limit prescribed, care should be taken that it be done in a manner not to benefit the wealthy few, at the expense of the toiling millions, by taxing *lowest* the luxuries of life, or articles of superior quality and high price, which can only be consumed by the wealthy; and *highest* the necessities of life, or articles of coarse quality and low price, which the poor and great mass of our people must consume. The burdens of government should, as far as practicable, be distributed justly and equally among all classes of our population. These general views, long entertained on this subject, I have deemed it proper to reiterate. It is a subject upon which conflicting interests of sections and occupations are supposed to exist, and a spirit of mutual concession and compromise in adjusting its details should be cherished by every part of our widespread country, as the only means of preserving harmony and a cheerful acquiescence of all in the operation of our revenue laws. Our patriotic citizens in every part of the Union will readily submit to the payment of such taxes as shall be needed for the support of their government, whether in peace or in war, if they are so levied as to distribute the burdens as equally as possible among them.

The republic of Texas has made known her desire to come into our Union, to form a part of our confederacy, and enjoy with us the blessings of liberty, secured and guaranteed by our constitution. Texas was once a part of our country—was unwisely ceded away to a foreign power—is now independent, and possesses an undoubted right to dispose of a part or the whole of her territory, and to merge her sovereignty, as a separate and independent state, in ours. I congratulate my country, that, by an act of the late Congress of the United States, the assent of this government has been given to the reunion; and it only remains for the two countries to agree upon the terms, to consummate an object so important to both.

I regard the question of annexation as belonging exclusively to the United States and Texas. They are independent powers, competent to contract; and foreign nations have no right to interfere with them, or to take exceptions to their reunion. Foreign powers do not seem to appreciate the true character of our government. Our Union is a confederation of independent states, whose policy is peace with each other and all

the world. To enlarge its limits, is to extend the dominions of peace over additional territories and increasing millions. The world has nothing to fear from military ambition in our government. While the chief magistrate and the popular branch of Congress are elected for short terms by the suffrages of those millions who must, in their own persons, bear all the burdens and miseries of war, our government can not be otherwise than pacific. Foreign powers should therefore look on the annexation of Texas to the United States, not as the conquest of a nation seeking to extend her dominions by arms and violence, but as the peaceful acquisition of a territory once her own, by adding another member to our confederation, with the consent of that member—thereby diminishing the chances of war, and opening to them new and ever-increasing markets for their products.

To Texas the reunion is important, because the strong protecting arm of our government would be extended over her, and the vast resources of her fertile soil and genial climate would be speedily developed; while the safety of New Orleans and of our whole southwestern frontier against hostile aggression, as well as the interests of the whole Union, would be promoted by it.

In the earlier stages of our national existence, the opinion prevailed with some, that our system of confederated states could not operate successfully over an extended territory; and serious objections have, at different times, been made to the enlargement of our boundaries. These objections were earnestly urged when we acquired Louisiana. Experience has shown that they were not well founded. The title of numerous Indian tribes to vast tracts of country has been extinguished. New states have been admitted into the Union. New territories have been created, and our jurisdiction and laws extended over them. As our population has expanded, the Union has been cemented and strengthened. As our boundaries have been enlarged, and our agricultural population has been spread over a large surface, our federative system has acquired additional strength and security. It may well be doubted whether it would not be in greater danger of overthrow, if our present population were confined to the comparatively narrow limits of the original thirteen states, than it is now that they are sparsely settled over a more expanded territory. It is confidently believed that our system may be safely extended to the utmost bounds of our territorial limits; and that, as it shall be extended, the bonds of our Union, so far from being weakened, will become stronger.

None can fail to see the danger to our safety and future peace, if Texas remains an independent state, or becomes an ally or dependency of some foreign nation more powerful than herself. Is there one among our citizens who would not prefer perpetual peace with Texas to occasional wars, which so often occur between bordering independent nations? Is there one who would not prefer free intercourse with her, to high duties on all our products and manufactures which enter her ports or cross her frontiers? Is there one who would not prefer an unrestricted communication with her citizens, to the frontier obstructions which must occur if she remains out of the Union? Whatever is good or evil in the local institutions of Texas will remain her own, whether annexed to the United States or not. None of the present states will be responsible for them, any more than they are for the local institutions of each other. They have confederated together for certain specified objects. Upon the same

principle that they would refuse to form a perpetual union with Texas because of her local institutions, our forefathers would have been prevented from forming our present Union. Perceiving no valid objection to the measure, and many reasons for its adoption, vitally affecting the peace, the safety, and the prosperity of both countries, I shall on the broad principle which formed the basis and produced the adoption of our constitution, and not in any narrow spirit of sectional policy, endeavor, by all constitutional, honorable, and appropriate means, to consummate the expressed will of the people and government of the United States, by the reannexation of Texas to our Union at the earliest practicable period.

Nor will it become in a less degree my duty to assert and maintain, by all constitutional means, the right of the United States to that portion of our territory which lies beyond the Rocky mountains. Our title to the country of the Oregon is "clear and unquestionable," and already are our people preparing to perfect that title by occupying it with their wives and children. But eighty years ago our population was confined on the west by the ridge of the Alleghanies. Within that period—within the lifetime, I might say, of some of my hearers—our people, increasing to many millions, have filled the eastern valley of the Mississippi; adventurously ascended the Missouri to its head springs; and are already engaged in establishing the blessings of self-government in valleys, of which the rivers flow to the Pacific. The world beholds the peaceful triumphs of the industry of our emigrants. To us belongs the duty of protecting them adequately wherever they may be upon our soil. The jurisdiction of our laws, and the benefits of our republican institutions, should be extended over them in the distant regions which they have selected for their homes. The increasing facilities of intercourse will easily bring the states, of which the formation in that part of our territory can not be long delayed, within the sphere of our federative Union. In the meantime, every obligation imposed by treaty or conventional stipulations should be sacredly respected.

In the management of our foreign relations, it will be my aim to observe a careful respect for the rights of other nations, while our own will be the subject of constant watchfulness. Equal and exact justice should characterize all our intercourse with foreign countries. All alliances having a tendency to jeopard the welfare and honor of our country, or sacrifice any one of the national interests, will be studiously avoided; and yet no opportunity will be lost to cultivate a favorable understanding with foreign governments, by which our navigation and commerce may be extended, and the ample products of our fertile soil, as well as the manufactures of our skilful artisans, find a ready market and remunerating prices in foreign countries.

In taking "care that the laws be faithfully executed," a strict performance of duty will be exacted from all public officers. From those officers, especially, who are charged with the collection and disbursement of the public revenue, will prompt and rigid accountability be required. Any culpable failure or delay on their part to account for the moneys intrusted to them, at the times and in the manner required by law, will, in every instance, terminate the official connexion of such defaulting officer with the government.

Although, in our country, the chief magistrate must almost of necessity be chosen by a party, and stand pledged to its principles and measures, yet, in his official action, he should not be the president of a part only,

but of the whole people of the United States. While he executes the laws with an impartial hand, shrinks from no proper responsibility, and faithfully carries out in the executive department of the government the principles and policy of those who have chosen him, he should not be unmindful that our fellow-citizens who have differed with him in opinion are entitled to the full and free exercise of their opinions and judgments, and that the rights of all are entitled to respect and regard.

Confidently relying upon the aid and assistance of the co-ordinate departments of the government in conducting our public affairs, I enter upon the discharge of the high duties which have been assigned me by the people, again humbly supplicating that Divine Being who has watched over and protected our beloved country from its infancy to the present hour, to continue his gracious benedictions upon us, that we may continue to be a prosperous and happy people.

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## FIRST ANNUAL MESSAGE.

DECEMBER 2, 1845.

### *Fellow-Citizens of the Senate and House of Representatives:—*

It is to me a source of unaffected satisfaction to meet the representatives of the states and the people in Congress assembled, as it will be to receive the aid of their combined wisdom in the administration of public affairs. In performing, for the first time, the duty imposed on me by the constitution, of giving to you information of the state of the Union, and recommending to your consideration such measures as in my judgment are necessary and expedient, I am happy that I can congratulate you on the continued prosperity of our country. Under the blessings of Divine Providence and the benign influence of our free institutions, it stands before the world a spectacle of national happiness.

With our unexampled advancement in all the elements of national greatness, the affection of the people is confirmed for the union of the states, and for the doctrines of popular liberty, which lie at the foundation of our government.

It becomes us, in humility, to make our devout acknowledgments to the Supreme Ruler of the universe, for the inestimable civil and religious blessings with which we are favored.

In calling the attention of Congress to our relations with foreign powers, I am gratified to be able to state, that, though with some of them there have existed since your last session serious causes of irritation and misunderstanding, yet no actual hostilities have taken place. Adopting the maxim in the conduct of our foreign affairs, to "ask nothing that is not right, and submit to nothing that is wrong," it has been my anxious desire to preserve peace with all nations; but, at the same time, to be prepared to resist aggression and maintain all our just rights.

In pursuance of the joint resolution of Congress, "for annexing Texas to the United States," my predecessor, on the third day of March, 1845, elected to submit the first and second sections of that resolution to the republic of Texas, as an overture, on the part of the United States, for her admission as a state into our Union. This election I approved, and accordingly the chargé d'affaires of the United States in Texas, under in-



structions of the tenth of March, 1845, presented these sections of the resolution for the acceptance of that republic. The executive government, the Congress, and the people of Texas in convention, have successively complied with all the terms and conditions of the joint resolution. A constitution for the government of the state of Texas, formed by a convention of deputies, is herewith laid before Congress. It is well known, also, that the people of Texas at the polls have accepted the terms of annexation, and ratified the constitution.

I communicate to Congress the correspondence between the secretary of state and our chargé d'affaires in Texas; and also the correspondence of the latter with the authorities of Texas; together with the official documents transmitted by him to his own government.

The terms of annexation which were offered by the United States having been accepted by Texas, the public faith of both parties is solemnly pledged to the compact of their union. Nothing remains to consummate the event but the passage of an act by Congress to admit the state of Texas into the Union upon an equal footing with the original states. Strong reasons exist why this should be done at an early period of the session. It will be observed that, by the constitution of Texas, the existing government is only continued temporarily till Congress can act; and that the third Monday of the present month is the day appointed for holding the first general election. On that day a governor, a lieutenant-governor, and both branches of the legislature, will be chosen by the people. The president of Texas is required immediately after the receipt of official information that the new state has been admitted into our Union by Congress, to convene the legislature; and, upon its meeting, the existing government will be superseded, and the state government organized. Questions deeply interesting to Texas, in common with the other states; the extension of our revenue laws and judicial system over her people and territory, as well as measures of a local character, will claim the early attention of Congress; and, therefore, upon every principle of republican government, she ought to be represented in that body without unnecessary delay. I can not too earnestly recommend prompt action on this important subject.

As soon as the act to admit Texas as a state shall be passed, the union of the two republics will be consummated by their own voluntary consent.

This accession to our territory has been a bloodless achievement. No arm of force has been raised to produce the result. The sword has had no part in the victory. We have not sought to extend our territorial possessions by conquest, or our republican institutions over a reluctant people. It was the deliberate homage of each people to the great principle of our federative union.

If we consider the extent of territory involved in the annexation—its prospective influence on America—the means by which it has been accomplished, springing purely from the choice of the people themselves to share the blessings of our union—the history of the world may be challenged to furnish a parallel.

The jurisdiction of the United States, which at the formation of the federal constitution was bounded by the St. Mary's on the Atlantic, has passed the capes of Florida, and been peacefully extended to the Del Norte. In contemplating the grandeur of this event, it is not to be forgotten that the result was achieved in despite of the diplomatic interference of European monarchies. Even France—the country which had

been our ancient ally—the country which has a common interest with us in maintaining the freedom of the seas—the country which, by the cession of Louisiana, first opened to us access to the gulf of Mexico—the country with which we have been every year drawing more and more closely the bonds of successful commerce—most unexpectedly, and to our unfeigned regret, took part in an effort to prevent annexation. and to impose on Texas, as the condition of the recognition of her independence by Mexico, that she would never join herself to the United States. We may rejoice that the tranquil and pervading influence of the American principle of self-government was sufficient to defeat the purposes of British and French interference, and that the almost unanimous voice of the people of Texas has given to that interference a peaceful and effective rebuke. From this example, European governments may learn how vain diplomatic arts and intrigues must ever prove upon this continent, against that system of self-government which seems natural to our soil, and which will ever resist foreign interference.

Toward Texas, I do not doubt that a liberal and generous spirit will actuate Congress in all that concerns her interests and prosperity, and that she will never have cause to regret that she has united her “lone star” to our glorious constellation.

I regret to inform you that our relations with Mexico, since your last session, have not been of the amicable character which it is our desire to cultivate with all foreign nations. On the 6th day of March last, the Mexican envoy extraordinary and minister plenipotentiary to the United States made a formal protest, in the name of his government, against the joint resolution passed by Congress “for the annexation of Texas to the United States,” which he chose to regard as a violation of the rights of Mexico, and, in consequence of it, he demanded his passports. He was informed that the government of the United States did not consider this joint resolution as a violation of any of the rights of Mexico, or that it afforded any just cause of offence to his government; that the republic of Texas was an independent power, owing no allegiance to Mexico, and constituting no part of her territory or rightful sovereignty and jurisdiction. He was also assured that it was the sincere desire of this government to maintain with that of Mexico relations of peace and good understanding. That functionary, however, notwithstanding these representations and assurances, abruptly terminated his mission, and shortly afterward left the country. Our envoy extraordinary and minister plenipotentiary to Mexico was refused all official intercourse with that government, and, after remaining several months, by the permission of his own government he returned to the United States. Thus, by the acts of Mexico, all diplomatic intercourse between the two countries was suspended.

Since that time Mexico has, until recently, occupied an attitude of hostility toward the United States—has been marshalling and organizing armies, issuing proclamations, and avowing the intention to make war on the United States, either by an open declaration, or by invading Texas. Both the congress and convention of the people of Texas invited this government to send an army into that territory, to protect and defend them against the menaced attack. The moment the terms of annexation offered by the United States were accepted by Texas, the latter became so far a part of our own country as to make it our duty to afford such protection and defence. I therefore deemed it proper, as a precautionary measure, to order a strong squadron to the coasts of Mexico, and to concentrate an

efficient military force on the western frontier of Texas. Our army was ordered to take position in the country between the Nueces and the Del Norte, and to repel any invasion of the Texan territory which might be attempted by the Mexican forces. Our squadron in the gulf was ordered to co-operate with the army. But though our army and navy were placed in a position to defend our own and the rights of Texas, they were ordered to commit no act of hostility against Mexico, unless she declared war, or was herself the aggressor by striking the first blow. The result has been, that Mexico has made no aggressive movement, and our military and naval commanders have executed their orders with such discretion, that the peace of the two republics has not been disturbed.

Texas had declared her independence and maintained it by her arms for more than nine years. She has had an organized government in successful operation during that period. Her separate existence, as an independent state, had been recognised by the United States and the principal powers of Europe. Treaties of commerce and navigation had been concluded with her by different nations, and it had become manifest to the whole world that any further attempt on the part of Mexico to conquer her, or overthrow her government, would be vain. Even Mexico herself had become satisfied of this fact; and while the question of annexation was pending before the people of Texas, during the past summer, the government of Mexico, by a formal act, agreed to recognise the independence of Texas on condition that she would not annex herself to any other power. The agreement to acknowledge the independence of Texas, whether with or without this condition, is conclusive against Mexico. The independence of Texas is a fact conceded by Mexico herself, and she had no right or authority to prescribe restrictions as to the form of government which Texas might afterward choose to assume.

But though Mexico can not complain of the United States on account of the annexation of Texas, it is to be regretted that serious causes of misunderstanding between the two countries continue to exist, growing out of unredressed injuries inflicted by the Mexican authorities and people on the persons and property of citizens of the United States, through a long series of years. Mexico has admitted these injuries, but has neglected and refused to repair them. Such was the character of the wrongs, and such the insults repeatedly offered to American citizens and the American flag by Mexico, in palpable violation of the laws of nations and the treaty between the two countries of the fifth of April, 1831, that they have been repeatedly brought to the notice of Congress by my predecessors. As early as the eighth of February, 1837, the president of the United States declared, in a message to Congress, that "the length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the persons and property of our citizens, upon the officers and flag of the United States, independent of recent insults to this government and people by the late extraordinary Mexican minister, would justify in the eyes of all nations immediate war." He did not, however, recommend an immediate resort to this extreme measure, which, he declared "should not be used by just and generous nations, confiding in their strength for injuries committed, if it can be honorably avoided;" but, in a spirit of forbearance, proposed that another demand be made on Mexico for that redress which had been so long and unjustly withheld. In these views, committees of the two houses of Congress, in reports made to their respective bodies,

concurrent. Since these proceedings more than eight years have elapsed, during which, in addition to the wrongs then complained of, others of an aggravated character have been committed on the persons and property of our citizens. A special agent was sent to Mexico in the summer of 1838, with full authority to make another and final demand for redress. The demand was made; the Mexican government promised to repair the wrongs of which we complained; and after much delay, a treaty of indemnity with that view was concluded between the two powers on the eleventh of April, 1839, and was duly ratified by both governments. By this treaty a joint commission was created to adjudicate and decide on the claims of American citizens on the government of Mexico. The commission was organized at Washington on the twenty-fifth day of August, 1840. Their time was limited to eighteen months; at the expiration of which, they had adjudicated and decided claims amounting to two millions twenty-six thousand one hundred and thirty-nine dollars and sixty-eight cents in favor of citizens of the United States against the Mexican government, leaving a large amount of claims undecided. Of the latter, the American commissioners had decided in favor of our citizens claims amounting to nine hundred and twenty-eight thousand six hundred and twenty-seven dollars and eighty-eight cents, which were left unacted on by the umpire authorized by the treaty. Still further claims, amounting to between three and four millions of dollars, were submitted to the board too late to be considered; and were left undisposed of. The sum of two millions twenty-six thousand one hundred and thirty-nine dollars and sixty-eight cents, decided by the board, was a liquidated and ascertained debt due by Mexico to the claimants, and there was no justifiable reason for delaying its payment according to the terms of the treaty. It was not, however, paid. Mexico applied for further indulgence; and, in that spirit of liberality and forbearance which has ever marked the policy of the United States toward that republic, the request was granted; and, on the thirtieth of January, 1843, a new treaty was concluded. By this treaty it was provided, that the interest due on the awards in favor of claimants under the convention of the eleventh of April, 1839, should be paid on the thirtieth of April, 1843; and that "the principal of the said awards, and the interest arising thereon, shall be paid in five years, in equal instalments every three months; the said term of five years to commence on the thirtieth day of April, 1843, as aforesaid." The interest due on the thirtieth day of April, 1843, and the first three of the twenty instalments, have been paid. Seventeen of these instalments remain unpaid, seven of which are now due.

The claims which were left undecided by the joint commission, amounting to more than three millions of dollars, together with other claims for spoliation on the property of our citizens, were subsequently presented to the Mexican government for payment, and were so far recognised that a treaty, providing for their examination and settlement by a joint commission, was concluded and signed at Mexico on the twentieth day of November, 1843. This treaty was ratified by the United States, with certain amendments to which no just exception could have been taken; but it has not yet received the ratification of the Mexican government. In the meantime, our citizens who suffered great losses, and some of whom have been reduced from affluence to bankruptcy, are without remedy, unless their rights be enforced by their government. Such a continued and unprovoked series of wrongs could never have been tolerated by the

United States, had they been committed by one of the principal nations of Europe. Mexico was, however, a neighboring sister republic, which, following our example, had achieved her independence, and for whose success and prosperity all our sympathies were early enlisted. The United States were the first to recognise her independence, and to receive her into the family of nations, and have ever been desirous of cultivating with her a good understanding. We have, therefore, borne the repeated wrongs she has committed, with great patience, in the hope that a returning sense of justice would ultimately guide her councils, and that we might, if possible, honorably avoid any hostile collision with her.

Without the previous authority of Congress, the executive possessed no power to adopt or enforce adequate remedies for the injuries we had suffered, or to do more than to be prepared to repel the threatened aggression on the part of Mexico. After our army and navy had remained on the frontier and coasts of Mexico for many weeks, without any hostile movement on her part, though her menaces were continued, I deemed it important to put an end, if possible, to this state of things. With this view, I caused steps to be taken, in the month of September last, to ascertain distinctly, and in an authentic form, what the designs of the Mexican government were; whether it was their intention to declare war, or invade Texas, or whether they were disposed to adjust and settle, in an amicable manner, the pending differences between the two countries. On the ninth of November an official answer was received, that the Mexican government consented to renew the diplomatic relations which had been suspended in March last; and for that purpose were willing to accredit a minister from the United States. With a sincere desire to preserve peace, and restore relations of good understanding between the two republics, I waived all ceremony as to the manner of renewing diplomatic intercourse between them; and, assuming the initiative, on the tenth of November a distinguished citizen of Louisiana was appointed envoy extraordinary and minister plenipotentiary to Mexico, clothed with full powers to adjust, and definitively settle, all pending differences between the two countries, including those of boundary between Mexico and the state of Texas. The minister appointed has set out on his mission, and is probably by this time near the Mexican capital. He has been instructed to bring the negotiation with which he is charged to a conclusion at the earliest practicable period; which, it is expected, will be in time to enable me to communicate the result to Congress during the present session. Until that result is known, I forbear to recommend to Congress such ulterior measures of redress for the wrongs and injuries we have so long borne, as it would have been proper to make had no such negotiation been instituted.

Congress appropriated, at the last session, the sum of two hundred and seventy-five thousand dollars, for the payment of the April and July instalments of the Mexican indemnities for the year 1844: "Provided it shall be ascertained, to the satisfaction of the American government, that said instalments have been paid by the Mexican government to the agent appointed by the United States to receive the same, in such manner as to discharge all claim on the Mexican government, and said agent to be delinquent in remitting the money to the United States."

The unsettled state of our relations with Mexico has involved this subject in much mystery. The first information, in an authentic form, from the agent of the United States, appointed under the administration of my

predecessor, was received at the state department on the ninth of November last. This is contained in a letter, dated the seventeenth of October, addressed by him to one of our citizens then in Mexico, with a view of having it communicated to that department. From this it appears that the agent, on the twentieth of September, 1844, gave a receipt to the treasury of Mexico, for the amount of the April and July instalments of the indemnity. In the same communication, however, he asserts that he had not received a single dollar in cash; but that he holds such securities as warranted him at the time in giving the receipt, and entertains no doubt but that he will eventually obtain the money. As these instalments appear never to have been actually paid by the government of Mexico to the agent, and as that government has not therefore been released so as to discharge the claim, I do not feel myself warranted in directing payment to be made to the claimants, out of the treasury, without further legislation. Their case is, undoubtedly, one of much hardship; and it remains for Congress to decide whether any, and what relief ought to be granted to them. Our minister to Mexico has been instructed to ascertain the facts of the case from the Mexican government, in an authentic and official form, and report the result with as little delay as possible.

My attention was early directed to the negotiation, which, on the fourth of March last I found pending at Washington, between the United States and Great Britain, on the subject of the Oregon territory. Three several attempts had been previously made to settle the questions in dispute between the two countries, by negotiation, upon the principle of compromise, but each had proved unsuccessful.

These negotiations took place at London, in the years 1818, 1824, and 1826; the first two under the administration of Mr. Monroe, and the last under that of Mr. Adams. The negotiation of 1818 having failed to accomplish its object, resulted in the convention of the twentieth of October of that year. By the third article of that convention, it was "agreed, that any country that may be claimed by either party, on the northwest coast of America, westward of the Stony mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other power or state to any part of the said country; the only objects of the high contracting parties in that respect, being to prevent disputes and differences among themselves."

The negotiation of 1824 was productive of no result, and the convention of 1818 was left unchanged.

The negotiation of 1826, having also failed to effect an adjustment by compromise, resulted in the convention of August the sixth, 1827, by which it was agreed to continue in force, for an indefinite period, the provisions of the third article of the convention of the twentieth of October, 1818; and it was further provided, that, "it shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the twentieth of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall, in such case, be accordingly entirely annulled and ab-

rogated after the expiration of the said term of notice." In these attempts to adjust the controversy, the parallel of the forty-ninth degree of north latitude had been offered by the United States to Great Britain, and in those of 1818 and 1826, with a further concession of the free navigation of the Columbia river, south of that latitude. The parallel of the forty-ninth degree, from the Rocky mountains to its intersection with the northeasternmost branch of the Columbia, and thence down the channel of that river to the sea, had been offered by Great Britain, with an addition of a small detached territory, north of the Columbia. Each of these propositions had been rejected by the parties respectively.

In October, 1843, the envoy extraordinary and minister plenipotentiary of the United States, in London, was authorized to make a similar offer to those made in 1818 and 1826. Thus stood the question, when the negotiation was shortly afterward transferred to Washington; and, on the twenty-third of August, 1844, was formally opened, under the direction of my immediate predecessor. Like all the previous negotiations, it was based upon principles of "compromise;" and the avowed purpose of the parties was, "to treat of the respective claims of the two countries to the Oregon territory, with the view to establish a permanent boundary between them, westward of the Rocky mountains to the Pacific ocean." Accordingly, on the twenty-sixth of August, 1844, the British plenipotentiary offered to divide the Oregon territory by the forty-ninth parallel of north latitude, from the Rocky mountains to the point of its intersection with the northeasternmost branch of the Columbia river, and thence down that river to the sea; leaving the free navigation of the river to be enjoyed in common by both parties—the country south of this line to belong to the United States, and that north of it to Great Britain. At the same time, he proposed, in addition, to yield to the United States a detached territory, north of the Columbia, extending along the Pacific and the straits of Fuca, from Bulfinch's harbor inclusive, to Hood's canal, and to make free to the United States any port or ports south of latitude forty-nine degrees, which they might desire, either on the main land, or on Quadra and Vancouver's island. With the exception of the free ports, this was the same offer which had been made by the British, and rejected by the American government, in the negotiation of 1826. This proposition was properly rejected by the American plenipotentiary on the day it was submitted. This was the only proposition of compromise offered by the British plenipotentiary. The proposition on the part of Great Britain having been rejected, the British plenipotentiary requested that a proposal should be made by the United States for "an equitable adjustment of the question."

When I came into office, I found this to be the state of the negotiation. Though entertaining the settled conviction, that the British pretensions of title could not be maintained to any portion of the Oregon territory, upon any principle of public law recognised by nations, yet, in deference to what had been done by my predecessors, and especially in consideration that propositions of compromise had been thrice made by two preceding administrations, to adjust the question on the parallel of forty-nine degrees, and in two of them yielding to Great Britain the free navigation of the Columbia, and that the pending negotiation had been commenced on the basis of compromise, I deemed it to be my duty not abruptly to break it off. In consideration, too, that under the conventions of 1818 and 1827, the citizens and subjects of the two powers held a joint occu-

pancy of the country, I was induced to make another effort to settle this long-pending controversy in the spirit of moderation which had given birth to the renewed discussion. A proposition was accordingly made, which was rejected by the British plenipotentiary, who, without submitting any other proposition, suffered the negotiation on his part to drop, expressing his trust that the United States would offer what he saw fit to call "some further proposal for the settlement of the Oregon question, more consistent with fairness and equity, and with the reasonable expectations of the British government." The proposition thus offered and rejected, repeated the offer of the parallel of forty-nine degrees of north latitude, which had been made by two preceding administrations, but without proposing to surrender to Great Britain, as they had done, the free navigation of the Columbia river. The right of any foreign power to the free navigation of any of our rivers, through the heart of our country, was one which I was unwilling to concede. It also embraced a provision to make free to Great Britain any port or ports on the cap of Quadra and Vancouver's island, south of this parallel. Had this been a new question, coming under discussion for the first time, this proposition would not have been made. The extraordinary and wholly inadmissible demands of the British government, and the rejection of the proposition made in deference alone to what had been done by my predecessors, and the implied obligation which their acts seemed to impose, afford satisfactory evidence that no compromise which the United States ought to accept, can be effected. With this conviction, the proposition of compromise which had been made and rejected, was, by my direction, subsequently withdrawn, and our title to the whole Oregon territory asserted, and, as is believed, maintained by irrefragable facts and arguments.

The civilized world will see in these proceedings a spirit of liberal concession on the part of the United States; and this government will be relieved from all responsibility which may follow the failure to settle the controversy.

All attempts at compromise having failed, it becomes the duty of Congress to consider what measures it may be proper to adopt for the security and protection of our citizens now inhabiting, or who may hereafter inhabit Oregon, and for the maintenance of our just title to that territory. In adopting measures for this purpose, care should be taken that nothing be done to violate the stipulations of the convention of 1827, which is still in force. The faith of treaties, in their letter and spirit, has ever been, and, I trust, will ever be, scrupulously observed by the United States. Under that convention, a year's notice is required to be given by either party to the other, before the joint occupancy shall terminate, and before either can rightfully assert or exercise exclusive jurisdiction over any portion of the territory. This notice it would, in my judgment, be proper to give; and I recommend that provision be made by law for giving it accordingly, and terminating in this manner the convention of the sixth of August, 1827.

It will become proper for Congress to determine what legislation they can, in the meantime, adopt without violating this convention. Beyond all question, the protection of our laws and our jurisdiction, civil and criminal, ought to be immediately extended over our citizens in Oregon. They have had just cause to complain of our long neglect in this particular, and have, in consequence, been compelled, for their own security and protection, to establish a provisional government for themselves



Strong in their allegiance and ardent in their attachment to the United States, they have been thus cast upon their own resources. They are anxious that our laws should be extended over them, and I recommend that this be done by Congress with as little delay as possible, in the full extent to which the British parliament have proceeded in regard to British subjects in that territory, by their act of July the second, 1821, "for regulating the fur-trade, and establishing a criminal and civil jurisdiction within certain parts of North America." By this act Great Britain extended her laws and jurisdiction, civil and criminal, over her subjects engaged in the fur-trade in that territory. By it the courts of the province of Upper Canada were empowered to take cognizance of causes civil and criminal. Justices of the peace and other judicial officers were authorized to be appointed in Oregon, with power to execute all process issuing from the courts of that province, and to "sit and hold courts of record for the trial of criminal offences and misdemeanors," not made the subject of capital punishment, and also of civil cases, where the cause of action shall not "exceed in value the amount or sum of two hundred pounds."

Subsequent to the date of this act of parliament, a grant was made from the "British crown" to the Hudson's bay company, of the exclusive trade with the Indian tribes in the Oregon territory, subject to a reservation that it shall not operate to the exclusion "of the subjects of any foreign states who, under or by force of any convention for the time being, between us and such foreign state respectively, may be entitled to, and shall be engaged in the said trade."

It is much to be regretted, that while under this act British subjects have enjoyed the protection of British laws and British judicial tribunals throughout the whole of Oregon, American citizens in the same territory have enjoyed no such protection from their government. At the same time, the result illustrates the character of our people and their institutions. In spite of this neglect, they have multiplied, and their number is rapidly increasing in that territory. They have made no appeal to arms, but have peacefully fortified themselves in their new homes, by the adoption of republican institutions for themselves; furnishing another example of the truth that self-government is inherent in the American breast, and must prevail. It is due to them that they should be embraced and protected by our laws.

It is deemed important that our laws regulating trade and intercourse with the Indian tribes east of the Rocky mountains, should be extended to such tribes as dwell beyond them.

The increasing emigration to Oregon, and the care and protection which is due from the government to its citizens in that distant region, make it our duty, as it is our interest, to cultivate amicable relations with the Indian tribes of that territory. For this purpose, I recommend that provision be made for establishing an Indian agency, and such sub-agencies as may be deemed necessary, beyond the Rocky mountains.

For the protection of emigrants, while on their way to Oregon, against the attacks of the Indian tribes occupying the country through which they pass, I recommend that a suitable number of stockades and blockhouse forts be erected along the usual route between our frontier settlements on the Missouri and the Rocky mountains; and that an adequate force of mounted riflemen be raised to guard and protect them on their journey. The immediate adoption of these recommendations by Congress will not

violate the provisions of the existing treaty. It will be doing nothing more for American citizens than British laws have long since done for British subjects in the same territory.

It requires several months to perform the voyage by sea from the Atlantic states to Oregon; and although we have a large number of whale-ships in the Pacific, but few of them afford an opportunity of interchanging intelligence, without great delay, between our settlements in that distant region and the United States. An overland mail is believed to be entirely practicable, and the importance of establishing such a mail, at least once a month, is submitted to the favorable consideration of Congress.

It is submitted to the wisdom of Congress to determine whether, at their present session, and until after the expiration of the year's notice, any other measures may be adopted, consistently with the convention of 1827, for the security of our rights, and the government and protection of our citizens in Oregon. That it will ultimately be wise and proper to make liberal grants of land to the patriotic pioneers, who, amid privations and dangers, lead the way through savage tribes inhabiting the vast wilderness intervening between our frontier settlements and Oregon, and who cultivate and are ever ready to defend the soil, I am fully satisfied. To doubt whether they will obtain such grants as soon as the convention between the United States and Great Britain shall have ceased to exist, would be to doubt the justice of Congress; but pending the year's notice, it is worthy of consideration whether a stipulation to this effect may be made, consistently with the spirit of that convention.

The recommendations which I have made, as to the best manner of securing our rights in Oregon, are submitted to Congress with great deference. Should they, in their wisdom, devise any other mode better calculated to accomplish the same object, it shall meet with my hearty concurrence.

At the end of the year's notice, should Congress think it proper to make provision for giving that notice, we shall have reached a period when the national rights in Oregon must either be abandoned or firmly maintained. That they can not be abandoned without a sacrifice of both national honor and interest, is too clear to admit of doubt.

Oregon is a part of the North American continent, to which, it is confidently affirmed, the title of the United States is the best now in existence. For the grounds on which that title rests, I refer you to the correspondence of the late and present secretary of state with the British plenipotentiary, during the negotiation. The British proposition of compromise, which would make the Columbia the line, south of forty-nine degrees, with a trifling addition of detached territory to the United States, north of that river, and would leave on the British side two thirds of the whole Oregon territory, including the free navigation of the Columbia, and all the valuable harbors on the Pacific, can never, for a moment, be entertained by the United States, without an abandonment of their just and clear territorial rights, their own self-respect, and the national honor. For the information of Congress, I communicate herewith the correspondence which took place between the two governments, during the late negotiation.

[The rapid extension of our settlements over our territories heretofore unoccupied—the addition of new states to our confederacy—the expansion of free principles, and our rising greatness as a nation, are attracting

the attention of the powers of Europe ; and lately the doctrine has been broached in some of them, of a "balance of power" on this continent, to check our advancement. The United States, sincerely desirous of preserving relations of good understanding with all nations, can not in silence permit any European interference on the North American continent ; and should any such interference be attempted, will be ready to resist it at any and all hazards.

It is well known to the American people and to all nations, that this government has never interfered with the relations subsisting between other governments. We have never made ourselves parties to their wars or their alliances ; we have not sought their territories by conquest ; we have not mingled with parties in their domestic struggles ; and believing our own form of government to be the best, we have never attempted to propagate it by intrigues, by diplomacy, or by force. We may claim on this continent a like exemption from European interference. The nations of America are equally sovereign and independent with those of Europe. They possess the same rights, independent of all foreign interposition, to make war, to conclude peace, and to regulate their internal affairs. The people of the United States can not, therefore, view with indifference attempts of European powers to interfere with the independent action of the nations on this continent. The American system of government is entirely different from that of Europe. Jealousy among the different sovereigns of Europe, lest any one of them might become too powerful for the rest, has caused them anxiously to desire the establishment of what they term the "balance of power." It can not be permitted to have any application on the North American continent, and especially to the United States. We must ever maintain the principle, that the people of this continent alone have the right to decide their own destiny. Should any portion of them, constituting an independent state, propose to unite themselves with our confederacy, this will be a question for them and us to determine, without any foreign interposition. We can never consent that European powers shall interfere to prevent such a union, because it might disturb the "balance of power" which they may desire to maintain upon this continent. Near a quarter of a century ago, the principle was distinctly announced to the world, in the annual message of one of my predecessors, that "the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European power." This principle will apply with greatly-increased force, should any European power attempt to establish any new colony in North America. In the existing circumstances of the world, the present is deemed a proper occasion to reiterate and reaffirm the principle avowed by Mr. Monroe, and to state my cordial concurrence in its wisdom and sound policy. The reassertion of this principle, especially in reference to North America, is, at this day, but the promulgation of a policy which no European power should cherish the disposition to resist. Existing rights of every European nation should be respected ; but it is due alike to our safety and our interests, that the efficient protection of our laws should be extended over our whole territorial limits, and that it should be distinctly announced to the world as our settled policy, that no future European colony or dominion shall, with our consent, be planted or established on any part of the North American continent.

A question has recently arisen under the tenth article of the subsisting

treaty between the United States and Prussia. By this article, the consuls of the two countries have the right to sit as judges and arbitrators "in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country; or the said consuls should require their assistance to cause their decisions to be carried into effect or supported."

The Prussian consul at New Bedford, in June, 1844, applied to Mr. Justice Story to carry into effect a decision made by him between the captain and crew of the Prussian ship *Borussia*; but the request was refused on the ground that, without previous legislation by Congress, the judiciary did not possess the power to give effect to this article of the treaty. The Prussian government, through their minister here, have complained of this violation of the treaty, and have asked the government of the United States to adopt the necessary measures to prevent similar violations hereafter. Good faith to Prussia, as well as to other nations with whom we have similar treaty stipulations, requires that these should be faithfully observed. I have deemed it proper, therefore, to lay the subject before Congress, and to recommend such legislation as may be necessary to give effect to these treaty obligations.

By virtue of an arrangement made between the Spanish government and that of the United States, in December, 1831, American vessels, since the twenty-ninth of April, 1832, have been admitted to entry in the ports of Spain, including those of the Balearic and Canary islands, on payment of the same tonnage duty of five cents per ton, as though they had been Spanish vessels; and this, whether our vessels arrive in Spain directly from the United States, or indirectly from any other country. When Congress, by the act of the thirteenth of July, 1832, gave effect to this arrangement between the two governments, they confined the reduction of tonnage duty merely to Spanish vessels "coming from a port in Spain," leaving the former discriminating duty to remain against such vessels coming from a port in any other country. It is manifestly unjust that, while American vessels arriving in the ports of Spain from other countries pay no more duty than Spanish vessels, Spanish vessels arriving in the ports of the United States from other countries should be subjected to heavy discriminating tonnage duties. This is neither equality nor reciprocity, and is in violation of the arrangement concluded in December, 1831, between the two countries. The Spanish government have made repeated and earnest remonstrances against this inequality, and the favorable attention of Congress has been several times invoked to the subject by my predecessors. I recommend, as an act of justice to Spain, that this inequality be removed by Congress, and that the discriminating duties which have been levied under the act of the thirteenth of July, 1832, on Spanish vessels coming to the United States from any other foreign country, be refunded. This recommendation does not embrace Spanish vessels arriving in the United States from Cuba and Porto Rico, which will still remain subject to the provisions of the act of June thirtieth, 1834, concerning tonnage-duty on such vessels.

By the act of the fourteenth of July, 1832, coffee was exempted from duty altogether. This exemption was universal, without reference to the country where it was produced, or the national character of the vessel in which it was imported. By the tariff act of the thirtieth of August, 1842

this exemption from duty was restricted to coffee imported in American vessels from the place of its production ; while coffee imported under all other circumstances was subjected to a duty of twenty per cent. *ad valorem*. Under this act, and our existing treaty with the king of the Netherlands, Java coffee imported from the European ports of that kingdom into the United States, whether in Dutch or American vessels, now pays this rate of duty. The government of the Netherlands complains that such a discriminating duty should have been imposed on coffee, the production of one of its colonies, and which is chiefly brought from Java to the parts of that kingdom, and exported thence to foreign countries. Our trade with the Netherlands is highly beneficial to both countries, and our relations with them have ever been of the most friendly character. Under all the circumstances of the case, I recommend that this discrimination should be abolished, and that the coffee of Java, imported from the Netherlands, be placed upon the same footing with that imported directly from Brazil and other countries where it is produced.

Under the eighth section of the tariff act of the thirtieth of August, 1842, a duty of fifteen cents per gallon was imposed on port wine in casks ; while, on the red wines of several other countries, when imported in casks, a duty of only six cents per gallon was imposed. This discrimination, so far as regarded the port wine of Portugal, was deemed a violation of our treaty with that power, which provides, that " no higher or other duties shall be imposed on the importation into the United States of America of any article, the growth, produce, or manufacture of the kingdom and possessions of Portugal, than such as are or shall be payable on the like article, being the growth, produce, or manufacture of any other foreign country." Accordingly, to give effect to the treaty, as well as to the intention of Congress, expressed in a proviso to the tariff act itself, that nothing therein contained should be so construed as to interfere with subsisting treaties with foreign nations, a treasury circular was issued on the sixteenth of July, 1844, which, among other things, declared the duty on the port wine of Portugal, in casks, under the existing laws and treaty, to be six cents per gallon, and directed that the excess of duties which had been collected on such wine should be refunded. By virtue of another clause in the same section of the act, it is provided that all imitations of port, or any other wines, " shall be subject to the duty provided for the genuine article." Imitations of port wine, the production of France, are imported to some extent into the United States ; and the government of that country now claims that, under a correct construction of the act, these imitations ought not to pay a higher duty than that imposed upon the original port wine of Portugal. It appears to me to be unequal and unjust, that French imitations of port wine should be subjected to a duty of fifteen cents, while the more valuable article from Portugal should pay a duty of six cents only per gallon. I therefore recommend to Congress such legislation as may be necessary to correct the inequality.

The late president, in his annual message of December last, recommended an appropriation to satisfy the claims of the Texan government against the United States, which had been previously adjusted, so far as the powers of the executive extend. These claims arose out of the act of disarming a body of Texan troops under the command of Major Snively, by an officer in the service of the United States, acting under the orders of our government ; and the forcible entry into the custom-

house, at Bryarly's landing, on Red river, by certain citizens of the United States, and taking away therefrom the goods seized by the collector of the customs as forfeited under the laws of Texas. This was a liquidated debt, ascertained to be due to Texas when an independent state. Her acceptance of the terms of annexation proposed by the United States does not discharge or invalidate the claim. I recommend that provision be made for its payment.

The commissioner appointed to China during the special session of the senate in March last, shortly afterward set out on his mission in the United States ship Columbus. On arriving at Rio de Janeiro on his passage, the state of his health had become so critical, that, by the advice of his medical attendants, he returned to the United States early in the month of October last. Commodore Biddle, commanding the East India squadron, proceeded on his voyage in the Columbus, and was charged by the commissioner with the duty of exchanging with the proper authorities the ratifications of the treaty lately concluded with the emperor of China. Since the return of the commissioner to the United States, his health has been much improved, and he entertains the confident belief that he will soon be able to proceed on his mission.

Unfortunately, differences continue to exist among some of the nations of South America, which, following our example, have established their independence; while in others, internal dissensions prevail. It is natural that our sympathies should be warmly enlisted for their welfare; that we should desire that all controversies between them should be amicably adjusted, and their governments administered in a manner to protect the rights, and promote the prosperity of their people. It is contrary, however, to our settled policy, to interfere in their controversies, whether external or internal.

I have thus adverted to all the subjects connected with our foreign relations, to which I deem it necessary to call your attention. Our policy is not only peace with all, but good-will toward all the powers of the earth. While we are just to all, we require that all shall be just to us. Excepting the differences with Mexico and Great Britain, our relations with all civilized nations are of the most satisfactory character. It is hoped that, in this enlightened age, these differences may be amicably adjusted.

The secretary of the treasury, in his annual report to Congress, will communicate a full statement of the condition of our finances. The imports for the fiscal year ending on the thirtieth of June last, were of the value of one hundred and seventeen millions, two hundred and fifty-four thousand, five hundred and sixty-four dollars, of which the amount exported was fifteen millions, three hundred and forty-six thousand, eight hundred and thirty dollars—leaving a balance of one hundred and one million, three hundred and seven thousand, seven hundred and thirty-four dollars, for domestic consumption. The exports for the same year were of the value of one hundred and fourteen millions, six hundred and forty-six thousand, six hundred and six dollars; of which the amount of domestic articles was ninety-nine millions, two hundred and ninety-nine thousand, seven hundred and seventy-six dollars. The receipts into the treasury during the same year were twenty-nine millions, seven hundred and sixty-nine thousand, one hundred and thirty-three dollars, and fifty-six cents; of which there were derived from customs twenty-seven millions, five hundred and twenty-eight thousand, one hundred and twelve

dollars, and seventy cents; from sales of public lands, two millions, seventy-seven thousand, and twenty-two dollars, and thirty cents; and from incidental and miscellaneous sources, one hundred and sixty-three thousand, nine hundred and ninety-eight dollars, and fifty-six cents. The expenditures for the same period were twenty-nine millions, nine hundred and sixty-eight thousand, two hundred and six dollars, and ninety-eight cents; of which eight millions, five hundred and eighty-eight thousand, one hundred and fifty-seven dollars, and sixty-two cents, were applied to the payment of the public debt. The balance in the treasury on the first of July last, was seven millions, six hundred and fifty-eight thousand, three hundred and six dollars, and twenty-two cents.

The amount of the public debt remaining unpaid on the first of October last, was seventeen millions, seventy-five thousand, four hundred and forty-five dollars, and fifty-two cents. Further payments of the public debt would have been made, in anticipation of the period of its reimbursement under the authority conferred upon the secretary of the treasury by the acts of July 21, 1841, and of April 15, 1842, and March 3, 1843, had not the unsettled state of our relations with Mexico menaced hostile collision with that power. In view of such a contingency, it was deemed prudent to retain in the treasury an amount unusually large for ordinary purposes.

A few years ago, our whole national debt growing out of the revolution and the war of 1812 with Great Britain was extinguished, and we presented to the world the rare and noble spectacle of a great and growing people who had fully discharged every obligation. Since that time, the existing debt has been contracted; and small as it is, in comparison with the similar burdens of most other nations, it should be extinguished at the earliest practicable period. Should the state of the country permit, and, especially, if our foreign relations interpose no obstacle, it is contemplated to apply all the moneys in the treasury, as they accrue beyond what is required for the appropriations by Congress, to its liquidation. I cherish the hope of soon being able to congratulate the country on its recovering once more the lofty position which it so recently occupied. Our country, which exhibits to the world the benefits of self-government, in developing all the sources of national prosperity, owes to mankind the permanent example of a nation free from the blighting influence of a public debt.

The attention of Congress is invited to the importance of making suitable modifications and reductions of the rates of duty imposed by our present tariff laws. The object of imposing duties on imports should be to raise revenue to pay the necessary expenses of government. Congress may, undoubtedly, in the exercise of a sound discretion, discriminate in arranging the rates of duty on different articles; but the discriminations should be within the revenue standard, and be made with the view to raise money for the support of government.

It becomes important to understand distinctly what is meant by a revenue standard, the maximum of which should not be exceeded in the rates of duty imposed. It is conceded, and experience proves, that duties may be laid so high as to diminish or prohibit altogether the importation of any given article, and thereby lessen or destroy the revenue which, at lower rates, would be derived from its importation. Such duties exceed the revenue rates, and are not imposed to raise money for the support of government. If Congress levy a duty for revenue of one per cent. on a

given article, it will produce a given amount of money to the treasury, and will incidentally and necessarily afford protection or advantage to the amount of one per cent. to the home manufacturer of a similar or like article, over the importer. If the duty be raised to ten per cent., it will produce a greater amount of money, and afford greater protection. If it be still raised to twenty, twenty-five, or thirty per cent., and if, as it is raised, the revenue derived from it is found to be increased, the protection or advantage will also be increased; but if it be raised to thirty-one per cent., and it is found that the revenue produced at that rate is less than at thirty per cent., it ceases to be a revenue duty. The precise point in the ascending scale of duties at which it is ascertained from experience, that the revenue is greatest, is the maximum rate of duty which can be laid for the bona-fide purpose of collecting money for the support of government. To raise the duties higher than that point, and thereby diminish the amount collected, is to levy them for protection merely, and not for revenue. As long, then, as Congress may gradually increase the rate of duty on a given article, and the revenue is increased by such increase of duty, they are within the revenue standard. When they go beyond that point, and as they increase the duties, the revenue is diminished or destroyed; the act ceases to have for its object the raising of money to support government, but is for protection merely.

It does not follow that Congress should levy the highest duty on all articles of import, which they will bear, within the revenue standard; for such rates would probably produce a much larger amount than the economical administration of the government would require. Nor does it follow that the duties on all articles should be at the same, or a horizontal rate. Some articles will bear a much higher revenue duty than others. Below the maximum of the revenue standard, Congress may and ought to discriminate in the rates imposed, taking care so to adjust them on different articles, as to produce in the aggregate the amount which, when added to the proceeds of the sales of public lands, may be needed to pay the economical expenses of the government.

In levying a tariff of duties, Congress exercises the taxing power, and for purposes of revenue may select the objects of taxation. They may exempt certain articles altogether, and permit their importation free of duty. On others they may impose low duties. In these classes should be embraced such articles of necessity as are in general use, and especially such as are consumed by the laborer and poor, as well as by the wealthy citizen. Care should be taken that all the great interests of the country, including manufactures, agriculture, commerce, navigation, and the mechanic arts, should, as far as may be practicable, derive equal advantages from the incidental protection which a just system of revenue duties may afford. Taxation, direct or indirect, is a burden, and it should be so imposed as to operate as equally as may be on all classes, in the proportion of their ability to bear it. To make the taxing power an actual benefit to one class, necessarily increases the burden of the others beyond their proportion, and would be manifestly unjust. The terms "protection to domestic industry," are of popular import; but they should apply under a just system to all the various branches of industry in our country. The farmer or planter who toils yearly in his fields, is engaged in "domestic industry," and is as much entitled to have his labor "protected" as the manufacturer, the man of commerce, the navigator, or the mechanic, who are engaged also in "domestic industry" in their different pursuits. The



joint labors of all these classes constitute the aggregate of the "domestic industry" of the nation, and they are equally entitled to the nation's "protection." No one of them can justly claim to be the exclusive recipients of "protection," which can only be afforded by increasing burdens on the "domestic industry" of the others.

If these views be correct, it remains to inquire how far the tariff act of 1842 is consistent with them. That many of the provisions of that act are in violation of the cardinal principles here laid down, all must concede. The rates of duty imposed by it on some articles are prohibitory, and on others so high as greatly to diminish importations, and to produce a less amount of revenue than would be derived from lower rates. They operate as "protection merely," to one branch of "domestic industry," by taxing other branches.

By the introduction of minimums, or assumed and false values, and by the imposition of specific duties, the injustice and inequality of the act of 1842, in its practical operations on different classes and pursuits, are seen and felt. Many of the oppressive duties imposed by it under the operation of these principles, range from one per cent. to more than two hundred per cent. They are prohibitory on some articles, and partially so on others, and bear most heavily on articles of common necessity, and but lightly on articles of luxury. It is so framed that much the greatest burden which it imposes is thrown on labor and the poorer classes, who are least able to bear it, while it protects capital and exempts the rich from paying their just proportion of the taxation required for the support of government. While it protects the capital of the wealthy manufacturer, and increases his profits, it does not benefit the operatives or laborers in his employment, whose wages have not been increased by it. Articles of prime necessity, or of coarse quality and low price, used by the masses of the people, are, in many instances, subjected by it to heavy taxes, while articles of finer quality and higher price, or of luxury, which can be used only by the opulent, are lightly taxed. It imposes heavy and unjust burdens on the farmer, the planter, the commercial man, and those of all other pursuits except the capitalist who has made his investments in manufactures. All the great interests of the country are not, as nearly as may be practicable, equally protected by it.

The government in theory knows no distinction of persons or classes, and should not bestow upon some favors and privileges which all others may not enjoy. It was the purpose of its illustrious founders to base the institutions which they reared upon the great and unchanging principles of justice and equity, conscious that if administered in the spirit in which they were conceived, they would be felt only by the benefits which they diffused, and would secure for themselves a defence in the hearts of the people, more powerful than standing armies, and all the means and appliances invented to sustain governments founded in injustice and oppression.

The well-known fact that the tariff act of 1842 was passed by a majority of one vote in the senate, and two in the house of representatives, and that some of those who felt themselves constrained, under the peculiar circumstances existing at the time, to vote in its favor, proclaimed its defects, and expressed their determination to aid in its modification on the first opportunity, affords strong and conclusive evidence that it was not intended to be permanent, and of the expediency and necessity of its thorough revision.

In recommending to Congress a reduction of the present rates of duty,

and a revision and modification of the act of 1842, I am far from entertaining opinions unfriendly to the manufacturers. On the contrary, I desire to see them prosperous, as far as they can be so, without imposing unequal burdens on other interests. The advantage under any system of indirect taxation, even within the revenue standard, must be in favor of the manufacturing interest; and of this, no other interest will complain.

I recommend to Congress the abolition of the minimum principle, or assumed, arbitrary, and false values, and of specific duties, and the substitution in their place of *ad-valorem* duties, as the fairest and most equitable indirect tax which can be imposed. By the *ad-valorem* principle all articles are taxed according to their cost or value, and those which are of inferior quality, or of small cost, bear only the just proportion of the tax with those which are of superior quality or greater cost. The articles consumed by all are taxed at the same rate. A system of *ad-valorem* revenue duties, with proper discriminations and proper guards against frauds in collecting them, it is not doubted, will afford ample incidental advantages to the manufacturers, and enable them to derive as great profits as can be derived from any other regular business. It is believed that such a system, strictly within the revenue standard, will place the manufacturing interests on a stable footing, and inure to their permanent advantage; while it will, as nearly as may be practicable, extend to all the great interests of the country the incidental protection which can be afforded by our revenue laws. Such a system, when once firmly established, would be permanent, and not be subject to the constant complaints, agitations, and changes which must ever occur when duties are not laid for revenue, but for the "protection merely" of a favored interest.

In the deliberations of Congress on this subject, it is hoped that a spirit of mutual concession and compromise between conflicting interests may prevail, and that the result of their labors may be crowned with the happiest consequences.

By the constitution of the United States it is provided, that "no money shall be drawn from the treasury but in consequence of appropriations made by law." A public treasury was undoubtedly contemplated and intended to be created, in which the public money should be kept from the period of collection until needed for public uses. In the collection and disbursement of the public money, no agencies have ever been employed by law except such as were appointed by the government, directly responsible to it, and under its control. The safekeeping of the public money should be confided to a public treasury created by law, and under like responsibility and control. It is not to be imagined that the framers of the constitution could have intended that a treasury should be created as a place of deposit and safekeeping of the public money which was irresponsible to the government. The first Congress under the constitution, by the act of the second of September, 1789, "to establish the treasury department," provided for the appointment of a treasurer, and made it his duty "to receive and keep the moneys of the United States," and "at all times to submit to the secretary of the treasury and the comptroller, or either of them, the inspection of the moneys in his hands."

That banks, national or state, could not have been intended to be used as a substitute for the treasury spoken of in the constitution, as keepers of the public money, is manifest from the fact, that at that time there was no national bank, and but three or four state banks of limited capital existed in the country. Their employment as depositories was at first resorted

to, to a limited extent, but with no avowed intention of continuing them permanently, in place of the treasury of the constitution. When they were afterward from time to time employed, it was from motives of supposed convenience.

Our experience has shown, that when banking corporations have been the keepers of the public money, and been thereby made in effect the treasury, the government can have no guarantee that it can command the use of its own money for public purposes. The late bank of the United States proved to be faithless. The state banks which were afterward employed were faithless. But a few years ago, with millions of public money in their keeping, the government was brought almost to bankruptcy, and the public credit seriously impaired, because of their inability or indisposition to pay, on demand, to the public creditors, in the only currency recognised by the constitution. Their failure occurred in a period of peace, and great inconvenience and loss were suffered by the public from it. Had the country been involved in a foreign war, that inconvenience and loss would have been much greater, and might have resulted in extreme public calamity. The public money should not be mingled with the private funds of banks or individuals, or be used for private purposes. When it is placed in banks for safekeeping, it is in effect loaned to them without interest, and is loaned by them upon interest to the borrowers from them. The public money is converted into banking capital, and is used and loaned out for the private profit of bank stockholders, and when called for (as was the case in 1837), it may be in the pockets of the borrowers from the banks, instead of being in the public treasury contemplated by the constitution. The framers of the constitution could never have intended that the money paid into the treasury should be thus converted to private use, and placed beyond the control of the government.

Banks which hold the public money are often tempted, by a desire of gain, to extend their loans, increase their circulation, and thus stimulate, if not produce, a spirit of speculation and extravagance, which sooner or later must result in ruin to thousands. If the public money be not permitted to be thus used, but be kept in the treasury and paid out to the public creditors in gold and silver, the temptation afforded by its deposit with banks to an undue expansion of their business would be checked, while the amount of the constitutional currency left in circulation would be enlarged by its employment in the public collections and disbursements, and the banks themselves would in consequence be found in a safer and sounder condition.

At present, state banks are employed as depositories, but without adequate regulation of law, whereby the public money can be secured against the casualties and excesses, revulsions, suspensions, and defalcations, to which, from overissues, overtrading, an inordinate desire for gain, or other causes, they are constantly exposed. The secretary of the treasury has, in all cases when it was practicable, taken collateral security for the amount which they hold, by the pledge of stocks of the United States, or such of the states as were in good credit. Some of the deposit banks have given this description of security, and others have declined to do so.

Entertaining the opinion that "the separation of the moneys of the government from banking institutions is indispensable for the safety of the funds of the government and the rights of the people," I recommend

to Congress that provision be made by law for such separation, and that a constitutional treasury be created for the safekeeping of the public money. The constitutional treasury recommended is designed as a secure depository for the public money, without any power to make loans or discounts, or to issue any paper whatever as a currency or circulation. I can not doubt that such a treasury as was contemplated by the constitution, should be independent of all banking corporations. The money of the people should be kept in the treasury of the people created by law, and be in the custody of agents of the people chosen by themselves, according to the forms of the constitution; agents who are directly responsible to the government, who are under adequate bonds and oaths, and who are subject to severe punishments for any embezzlement, private use, or misapplication of the public funds, and for any failure in other respects to perform their duties. To say that the people or their government are incompetent, or not to be trusted with the custody of their own money, in their own treasury, provided by themselves, but must rely on the presidents, cashiers, and stockholders of banking corporations, not appointed by them, nor responsible to them, would be to concede that they are incompetent for self-government.

In recommending the establishment of a constitutional treasury, in which the public money shall be kept, I desire that adequate provision be made by law for its safety, and that all executive discretion or control over it shall be removed, except such as may be necessary in directing its disbursement, in pursuance of appropriations made by law.

Under our present land system, limiting the minimum price at which the public lands can be entered, to one dollar and twenty-five cents per acre, large quantities of lands of inferior quality remain unsold, because they will not command that price. From the records of the general land-office, it appears, that of the public lands remaining unsold in the several states and territories in which they are situated, thirty-nine millions, one hundred and five thousand, five hundred and seventy-seven acres have been in the market, subject to entry more than twenty years; forty-nine millions, six hundred and thirty-eight thousand, six hundred and forty-four acres for more than fifteen years; seventy-three millions, seventy-four thousand and six hundred acres for more than ten years; and one hundred and six millions, one hundred and seventy-six thousand, nine hundred and sixty-one acres for more than five years. Much the largest portion of these lands will continue to be unsaleable at the minimum price at which they are permitted to be sold, so long as large territories of lands from which the more valuable portions have not been selected, are annually brought into market by the government. With the view to the sale and settlement of these inferior lands, I recommend that the price be graduated and reduced below the present minimum rate, confining the sales at the reduced prices to settlers and cultivators, in limited quantities. If graduated and reduced in price for a limited term, to one dollar per acre, and after the expiration of that period, for a second and third term, to lower rates, a large portion of these lands would be purchased, and many worthy citizens, who are unable to pay higher rates, could purchase homes for themselves and their families. By adopting the policy of graduation and reduction of price, these inferior lands will be sold for their real value, while the states in which they lie will be freed from the inconvenience; if not injustice, to which they are subjected, in consequence of the United States continuing to own large quantities of the public lands

within their borders, not liable to taxation for the support of their local governments.

I recommend the continuance of the policy of granting pre-emptions, in its most liberal extent, to all those who have settled, or may hereafter settle on the public lands, whether surveyed or unsurveyed, to which the Indian title may have been extinguished at the time of settlement. It has been found by experience, that in consequence of combinations of purchasers, and other causes, a very small quantity of the public lands, when sold at public auction, commands a higher price than the minimum rate established by law. The settlers on the public lands are, however, but rarely able to secure their homes and improvements at the public sales, at that rate; because these combinations, by means of the capital they command, and their superior ability to purchase, render it impossible for the settler to compete with them in the market. By putting down all competition, these combinations of capitalists and speculators are usually enabled to purchase the lands, including the improvements of the settlers, at the minimum price of the government, and either turn them out of their homes, or extort from them, according to their ability to pay, double or quadruple the amount paid for them to the government. It is to the enterprise and perseverance of the hardy pioneers of the west, who penetrate the wilderness with their families, suffer the dangers, the privations, and hardships attending the settlement of a new country, and prepare the way for the body of emigrants who, in the course of a few years, usually follow them, that we are, in a great degree, indebted for the rapid extension and aggrandizement of our country.

Experience has proved that no portion of our population are more patriotic than the hardy and brave men of the frontier, or more ready to obey the call of their country, and to defend her rights and her honor, whenever and by whatever enemy assailed. They should be protected from the grasping speculator, and secured, at the minimum price of the public lands, in the humble homes which they have improved by their labor. With this end in view, all vexatious or unnecessary restrictions imposed upon them by the existing pre-emption laws, should be repealed or modified. It is the true policy of the government to afford facilities to its citizens to become the owners of small portions of our vast public domain at low and moderate rates.

The present system of managing the mineral lands of the United States is believed to be radically defective. More than a million of acres of the public lands, supposed to contain lead and other minerals, have been reserved from sale, and numerous leases upon them have been granted to individuals upon a stipulated rent. The system of granting leases has proved to be not only unprofitable to the government, but unsatisfactory to the citizens who have gone upon the lands, and must, if continued, lay the foundation of much future difficulty between the government and the lessees. According to the official records, the amount of rents received by the government for the years 1841, 1842, 1843, and 1844, was six thousand three hundred and fifty-four dollars and seventy-four cents; while the expenses of the system during the same period, including salaries of superintendents, agents, clerks, and incidental expenses, were twenty-six thousand one hundred and eleven dollars and eleven cents; the income being less than one fourth of the expenses. To this pecuniary loss may be added the injury sustained by the public in consequence of the destruction of timber, and the careless and wasteful manner of

working the mines. The system has given rise to much litigation between the United States and individual citizens, producing irritation and excitement in the mineral region, and involving the government in heavy additional expenditures. It is believed that similar losses and embarrassments will continue to occur, while the present system of leasing these lands remains unchanged. These lands are now under the superintendence and care of the war department, with the ordinary duties of which they have no proper or natural connexion. I recommend the repeal of the present system, and that these lands be placed under the superintendence and management of the general land office, as other public lands, and be brought into market and sold upon such terms as Congress in their wisdom may prescribe, reserving to the government an equitable percentage of the gross amount of mineral product, and that the pre-emption principle be extended to resident miners and settlers upon them, at the minimum price which may be established by Congress.

I refer you to the accompanying report of the secretary of war, for information respecting the present situation of the army, and its operations during the past year; the state of our defences; the condition of the public works; and our relations with the various Indian tribes within our limits or upon our borders. I invite your attention to the suggestions contained in that report in relation to these prominent objects of national interest.

When orders were given during the past summer for concentrating a military force on the western frontier of Texas, our troops were widely dispersed, and in small detachments, occupying posts remote from each other. The prompt and expeditious manner in which an army, embracing more than half our peace establishment, was drawn together on an emergency so sudden, reflects great credit on the officers who were intrusted with the execution of these orders, as well as upon the discipline of the army itself. To be in strength to protect and defend the people and territory of Texas, in the event Mexico should commence hostilities, or invade her territories with a large army, which she threatened, I authorized the general assigned to the command of the army of occupation to make requisitions for additional forces from several of the states nearest the Texan territory, and which could most expeditiously furnish them, if, in his opinion, a larger force than that under his command, and the auxiliary aid which, under like circumstances, he was authorized to receive from Texas, should be required. The contingency upon which the exercise of this authority depended, has not occurred. The circumstances under which two companies of state artillery from the city of New Orleans were sent into Texas, and mustered into the service of the United States, are fully stated in the report of the secretary of war. I recommend to Congress that provision be made for the payment of these troops, as well as a small number of Texan volunteers, whom the commanding general thought it necessary to receive or muster into our service.

During the last summer, the first regiment of dragoons made extensive excursions through the Indian country on our borders, a part of them advancing nearly to the possessions of the Hudson's bay company in the north, and a part as far as the south pass of the Rocky mountains, and the head waters of the tributary streams of the Colorado of the west. The exhibition of this military force among the Indian tribes in those distant regions, and the councils held with them by the commanders of the expeditions, it is believed, will have a salutary influence in restraining them

from hostilities among themselves, and maintaining friendly relations between them and the United States. An interesting account of one of these excursions accompanies the report of the secretary of war. Under the directions of the war department, Brevet Captain Fremont, of the corps of topographical engineers, has been employed since 1842 in exploring the country west of the Mississippi, and beyond the Rocky mountains. Two expeditions have already been brought to a close, and the reports of that scientific and enterprising officer have furnished much interesting and valuable information. He is now engaged in a third expedition; but it is not expected that this arduous service will be completed in season to enable me to communicate the result to Congress at the present session.

Our relations with the Indian tribes are of a favorable character. The policy of removing them to a country designed for their permanent residence, west of the Mississippi and without the limits of the organized states and territories, is better appreciated by them than it was a few years ago; while education is now attended to, and the habits of civilized life are gaining ground among them.

Serious difficulties of long standing continue to distract the several parties into which the Cherokees are unhappily divided. The efforts of the government to adjust the difficulties between them, have heretofore proved unsuccessful; and there remains no probability that this desirable object can be accomplished without the aid of further legislation by Congress. I will, at an early period of your session, present the subject for your consideration, accompanied with an exposition of the complaints and claims of the several parties into which the nation is divided, with a view to the adoption of such measures by Congress as may enable the executive to do justice to them respectively, and to put an end, if possible, to the dissensions which have long prevailed, and still prevail, among them.

I refer you to the report of the secretary of the navy for the present condition of that branch of the national defence; and for grave suggestions, having for their object the increase of its efficiency, and a greater economy in its management. During the past year the officers and men have performed their duty in a satisfactory manner. The orders which have been given, have been executed with promptness and fidelity. A larger force than has often formed one squadron under our flag was readily concentrated in the gulf of Mexico, and apparently without unusual effort. It is especially to be observed, that, notwithstanding the union of so considerable a force, no act was committed that even the jealousy of an irritated power could construe as an act of aggression; and that the commander of the squadron, and his officers, in strict conformity with their instructions, holding themselves ever ready for the most active duty, have achieved the still purer glory of contributing to the preservation of peace. It is believed that at all our foreign stations the honor of our flag has been maintained, and that generally our ships-of-war have been distinguished for their good discipline and order. I am happy to add, that the display of maritime force which was required by the events of the summer has been made wholly within the usual appropriations for the service of the year, so that no additional appropriations are required.

The commerce of the United States, and with it the navigating interests, have steadily and rapidly increased since the organization of our government, until, it is believed, we are now second to but one power in the world, and at no distant day we shall probably be inferior to none. Ex

posed as they must be, it has been a wise policy to afford to these important interests protection with our ships-of-war, distributed in the great highways of trade throughout the world. For more than thirty years appropriations have been made, and annually expended, for the gradual increase of our naval forces. In peace, our navy performs the important duty of protecting our commerce; and in the event of war, will be, as it has been, a most efficient means of defence.

The successful use of steam navigation on the ocean has been followed by the introduction of war-steamers in great and increasing numbers into the navies of the principal maritime powers of the world. A due regard to our own safety, and to an efficient protection to our large and increasing commerce, demands a corresponding increase on our part. No country has greater facilities for the construction of vessels of this description than ours, or can promise itself greater advantages from their employment. They are admirably adapted to the protection of our commerce, to the rapid transmission of intelligence, and to the coast defence. In pursuance of the wise policy of a gradual increase of our navy, large supplies of live-oak timber, and other materials for ship-building, have been collected, and are now under shelter and in a state of good preservation, while iron steamers can be built with great facility in various parts of the Union. The use of iron as a material, especially in the construction of steamers, which can enter with safety many of the harbors along our coast, now inaccessible to vessels of greater draught, and the practicability of constructing them in the interior, strongly recommends that liberal appropriations should be made for this important object. Whatever may have been our policy in the earlier stages of the government, when the nation was in its infancy, our shipping interests and commerce comparatively small, our resources limited, our population sparse, and scarcely extending beyond the limits of the original thirteen states, that policy must be essentially different, now that we have grown from three to more than twenty millions of people—that our commerce, carried in our own ships, is found in every sea, and that our territorial boundaries and settlements have been so greatly expanded. Neither our commerce, nor our long line of coast on the ocean and on the lakes, can be successfully defended against foreign aggressions by means of fortifications alone. These are essential at important commercial and military points, but our chief reliance for this object must be on a well-organized, efficient navy. The benefits resulting from such a navy are not confined to the Atlantic states. The productions of the interior which seek a market abroad, are directly dependent on the safety and freedom of our commerce. The occupation of the Balize, below New Orleans, by a hostile force, would embarrass, if not stagnate, the whole export trade of the Mississippi, and affect the value of the agricultural products of the entire valley of that mighty river and its tributaries.

It has never been our policy to maintain large standing armies in time of peace. They are contrary to the genius of our free institutions, would impose heavy burdens on the people, and be dangerous to public liberty. Our reliance for protection and defence on the land, must be mainly on our citizen-soldiers, who will be ever ready, as they have ever been ready in times past, to rush with alacrity, at the call of their country, to her defence. This description of force, however, can not defend our coast, harbors, and inland seas, nor protect our commerce on the ocean or the lakes. These must be protected by our navy.



Considering an increased naval force, and especially of steam-vessels, corresponding with our growth and importance as a nation, and proportioned to the increased and increasing naval power of other nations, of vast importance as regards our safety, and the great and growing interests to be protected by it, I recommend the subject to the favorable consideration of Congress.

The report of the postmaster-general herewith communicated, contains a detailed statement of the operations of his department during the past year. It will be seen that the income from postages will fall short of the expenditures for the year between one and two millions of dollars. This deficiency has been caused by the reduction of the rates of postage, which was made by the act of the 3d of March last. No principle has been more generally acquiesced in by the people, than that this department should sustain itself by limiting its expenditures to its income. Congress has never sought to make it a source of revenue for general purposes, except for a short period during the last war with Great Britain, nor should it ever become a charge on the general treasury. If Congress shall adhere to this principle, as I think they ought, it will be necessary either to curtail the present mail service, so as to reduce the expenditures, or so to modify the act of the third of March last as to improve its revenues. The extension of the mail service, and the additional facilities which will be demanded by the rapid extension and increase of population on our western frontier, will not admit of such curtailment as will materially reduce the present expenditures. In the adjustment of the tariff of postages, the interests of the people demand that the lowest rates be adopted, which will produce the necessary revenue to meet the expenditures of the department. I invite the attention of Congress to the suggestions of the postmaster-general on this subject, under the belief that such a modification of the late law may be made, as will yield sufficient revenue, without further calls on the treasury, and with very little change in the present rates of postage.

Proper measures have been taken, in pursuance of the act of the third of March last, for the establishment of lines of mail-steamers between this and foreign countries. The importance of this service commends itself strongly to favorable consideration.

With the growth of our country, the public business which devolves on the heads of the several executive departments has greatly increased. In some respects, the distribution of duties among them seems to be incongruous, and many of these might be transferred from one to another with advantage to the public interests. A more auspicious time for the consideration of this subject by Congress, with a view to system in the organization of the several departments, and a more appropriate division of the public business, will not probably occur.

The most important duties of the state department relate to our foreign affairs. By the great enlargement of the family of nations, the increase of our commerce, and the corresponding extension of our consular system, the business of this department has been greatly increased. In its present organization, many duties of a domestic nature, and consisting of details, are devolved on the secretary of state, which do not appropriately belong to the foreign department of the government, and may properly be transferred to some other department. One of these grows out of the present state of the law concerning the patent office, which, a few years since, was a subordinate clerkship, but has become a distinct bureau of

great importance. With an excellent internal organization, it is still connected with the state department. In the transaction of its business, questions of much importance to inventors, and to the community, frequently arise, which, by existing laws, are referred for decision to a board, of which the secretary of state is a member. These questions are legal, and the connexion which now exists between the state department and the patent office, may, with great propriety and advantage, be transferred to the attorney-general.

In his last annual message to Congress, Mr. Madison invited attention to a proper provision for the attorney-general, as "an important improvement in the executive establishment." This recommendation was repeated by some of his successors. The official duties of the attorney-general have been much increased within a few years, and his office has become one of great importance. His duties may be still further increased, with advantage to the public interests. As an executive officer, his residence and constant attention at the seat of government are required. Legal questions, involving important principles, and large amounts of public money, are constantly referred to him by the president and executive departments, for his examination and decision. The public business under his official management, before the judiciary, has been so augmented by the extension of our territory, and the acts of Congress authorizing suits against the United States for large bodies of valuable public lands, as greatly to increase his labors and responsibilities. I therefore recommend that the attorney-general be placed on the same footing with the heads of the other executive departments, with such subordinate officers, provided by law for his department, as may be required to discharge the additional duties which have been or may be devolved upon him.

Congress possess the power of exclusive legislation over the district of Columbia, and I commend the interests of its inhabitants to your favorable consideration. The people of this district have no legislative body of their own, and must confide their local as well as their general interests to representatives in whose election they have no voice, and over whose official conduct they have no control. Each member of the national legislature should consider himself as their immediate representative, and should be the more ready to give attention to their interests and wants, because he is not responsible to them. I recommend that a liberal and generous spirit may characterize your measures in relation to them. I shall be ever disposed to show a proper regard for their wishes, and, within constitutional limits, shall at all times cheerfully co-operate with you for the advancement of their welfare.

I trust it may not be deemed inappropriate to the occasion for me to dwell for a moment on the memory of the most eminent citizen of our country, who, during the summer that is gone by, has descended to the tomb. The enjoyment of contemplating, at the advanced age of near fourscore years, the happy condition of his country, cheered the last hours of Andrew Jackson, who departed this life in the tranquil hope of a blessed immortality. His death was happy, as his life had been eminently useful. He had an unflinching confidence in the virtue and capacity of the people, and in the permanence of that free government which he had largely contributed to establish and defend. His great deeds had secured to him the affections of his fellow-citizens, and it was his happiness to witness the growth and glory of his country, which he loved so well. He departed amid the benedictions of millions of freemen. The nation.

paid its tribute to his memory at his tomb. Coming generations will learn from his example the love of country and the rights of man. In his language on a similar occasion to the present, "I now commend you, fellow-citizens, to the guidance of Almighty God, with a full reliance on his merciful providence for the maintenance of our free institutions; and with an earnest supplication, that whatever errors it may be my lot to commit, in discharging the arduous duties which have devolved on me, will find a remedy in the harmony and wisdom of your counsels."

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### SPECIAL MESSAGE.

DECEMBER 9, 1845.

*To the Senate and House of Representatives of the United States:—*

I COMMUNICATE, herewith, a letter received from the president of the existing government of the state of Texas, transmitting duplicate copies of the constitution formed by the deputies of the people of Texas in convention assembled, accompanied by official information that the said constitution had been ratified, confirmed, and adopted, by the people of Texas themselves, in accordance with the joint resolution for annexing Texas to the United States, and in order that Texas might be admitted as one of the states of that Union.

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### SPECIAL MESSAGE.

DECEMBER 19, 1845.

*To the House of Representatives of the United States:—*

I COMMUNICATE to the house of representatives, in reply to their resolution of the 25th of February last, a report from the secretary of state, together with the correspondence of George W. Slacum, late consul of the United States at Rio de Janeiro, with the department of state, relating to the African slave-trade.

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### SPECIAL MESSAGE.

JANUARY 3, 1846.

*To the Senate of the United States:—*

I TRANSMIT to the senate a report of the secretary of the navy, communicating the information called for by their resolution of the 18th of December, 1845, in relation to the "number of agents now employed for the preservation of timber, their salaries, the authority of law under which they are paid, and the allowances of every description made within the last twenty years in the settlement of the accounts of said agents."

## SPECIAL MESSAGE.

FEBRUARY 7, 1846.

*To the House of Representatives of the United States :—*

IN compliance with the request of the house of representatives in their resolution of the 3d instant, I herewith communicate a report from the secretary of state, with the accompanying "correspondence which has taken place" between the secretary of state and the minister of the United States at London, and "between the government of Great Britain and this government, in relation to the country west of the Rocky mountains, since the last annual message of the president" to Congress.

## SPECIAL MESSAGE.

FEBRUARY 9, 1846.

*To the House of Representatives of the United States :—*

I COMMUNICATE, herewith, in answer to the resolution of the house of representatives of the 19th of December last, the report of the secretary of state, enclosing "copies of correspondence between this government and Great Britain within the last two years, in relation to the Washington treaty, and particularly in relation to the free navigation of the river St. John, and in relation to the disputed territory fund named in said treaty;" and, also, the accompanying copies of documents filed in the department of state, which embrace the correspondence and information called for by the said resolution.

## SPECIAL MESSAGE.

FEBRUARY 18, 1846.

*To the Senate of the United States :—*

IN compliance with the request of the senate, in their resolution of the 10th instant, asking for information relative to the Mexican indemnity, I communicate herewith a report from the secretary of state, with the papers accompanying it.

## SPECIAL MESSAGE.

MARCH 23, 1846.

*To the Senate and House of Representatives of the United States :—*

I TRANSMIT, for your consideration, a correspondence between the minister of her Britannic majesty in Washington, and the secretary of state, containing an arrangement for the adjustment and payment of the claims of the respective governments upon each other, arising from the collection

of certain import duties in violation of the second article of the commercial convention of the 3d of July, 1815, between the two countries; and I respectfully submit to Congress the propriety of making provision to carry this arrangement into effect.

The second article of this convention provides that "no higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of his Britannic majesty's territories in Europe, and no higher or other duties shall be imposed on the importation into the territories of his Britannic majesty in Europe of any articles the growth, produce, or manufacture of the United States, than are or shall be payable on the like articles, being the growth, produce, or manufacture of any other foreign country."

Previous to the act of parliament of the 13th of August, 1836, the duty on foreign rough rice imported into Great Britain was two shillings and sixpence sterling per bushel. By this act the duty was reduced to one penny per quarter (of eight bushels) on the rough rice "imported from the west coast of Africa."

Upon the earnest and repeated remonstrances of our ministers at London, in opposition to this discrimination against American and in favor of African rice, as a violation of the subsisting convention, parliament, by the act of the 9th of July, 1842, again equalized the duty on all foreign rough rice, by fixing it at seven shillings per quarter. In the intervening period, however, of nearly six years, large importations had been made into Great Britain of American rough rice, which was subjected to a duty of two shillings and sixpence per bushel; but the importers, knowing their rights under the convention, claimed that it should be admitted at the rate of one penny per quarter, the duty imposed on African rice. This claim was resisted by the British government, and the excess of duty was paid, at the first, under protest, and afterward, in consequence of an arrangement with the board of customs, by the deposit of exchequer bills.

It seems to have been a clear violation both of the letter and spirit of the convention to admit rough rice, "the growth" of Africa, at one penny per quarter, while the very same article, "the growth" of the United States, was charged with a duty of two shillings and sixpence per bushel.

The claim of Great Britain, under the same article of the convention, is founded on the tariff act of the 30th of August, 1842. Its 25th section provides "that nothing in this act contained shall apply to goods shipped in a vessel bound to any port of the United States, actually having left her last port of lading eastward of the cape of Good Hope, or beyond Cape Horn, prior to the first day of September, 1842; and all legal provisions and regulations existing immediately before the 30th day of June, 1842, shall be applied to importations which may be made in vessels which have left such last port of lading eastward of the cape of Good Hope, or beyond Cape Horn, prior to said first day of September, 1842."

The British government contends that it was a violation of the second article of the convention for this act to require that "articles, the growth, produce, or manufacture" of Great Britain, when imported into the United States in vessels which had left their last port of lading in Great Britain prior to the first day of September, 1842, should pay any "higher or other duties" than were imposed on "like articles," "the growth, produce, or manufacture" of countries beyond the cape of Good Hope and Cape Horn.

Upon a careful consideration of the subject, I arrived at the conclusion that this claim on the part of the British government was well founded.

I deem it unnecessary to state my reasons at length for adopting this opinion, the whole subject being fully explained in the letter of the secretary of the treasury and the accompanying papers.

The amount necessary to satisfy the British claim can not at present be ascertained with any degree of accuracy, no individual having yet presented his case to the government of the United States. It is not apprehended that the amount will be large. After such examination of the subject as it has been in his power to make, the secretary of the treasury believes that it will not exceed one hundred thousand dollars.

On the other hand, the claims of the importers of rough rice into Great Britain have been already ascertained, as the duties were paid either under protest, or in exchequer bills. Their amount is stated by Mr. Everett, our late minister at London, in a despatch dated June 1, 1843, to be eighty-eight thousand eight hundred and eighty-six pounds sixteen shillings and tenpence sterling, of which sixty thousand and six pounds and fourpence belong to citizens of the United States.

As it may be long before the amount of the British claim can be ascertained, and it would be unreasonable to postpone payment to the American claimants until this can be adjusted, it has been proposed to the British government immediately to refund the excess of duties collected by it on American rough rice. I should entertain a confident hope that this proposal would be accepted, should the arrangement concluded be sanctioned by an act of Congress making provision for the return of the duties in question. The claimants might then be paid as they present their demands, properly authenticated, to the secretary of the treasury.

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## SPECIAL MESSAGE.

MARCH 24, 1846.

*To the Senate of the United States:—*

In answer to the inquiry of the senate, contained in their resolution of the 17th instant, whether, in my "judgment, any circumstances connected with, or growing out of the foreign relations of this country, require at this time an increase of our naval or military force;" and if so, what those circumstances are," I have to express the opinion, that a wise precaution demands such increase.

In my annual message of the 2d of December last, I recommended to the favorable consideration of Congress an increase of our naval force, especially of our steam navy, and the raising of an adequate military force to guard and protect such of our citizens as might think proper to emigrate to Oregon. Since that period, I have seen no cause to recall or modify these recommendations. On the contrary, reasons exist which, in my judgment, render it proper, not only that they should be promptly carried into effect, but that additional provision should be made for the public defence.

The consideration of such additional provision was brought before appropriate committees of the two houses of Congress, in answer to calls made by them, in reports prepared, with my sanction, by the secretary of war and the secretary of the navy, on the 29th of December and the 8th of January last; a mode of communication with Congress not unusual,

and under existing circumstances, believed to be most eligible. Subsequent events have confirmed me in the opinion that these recommendations were proper as precautionary measures.

It was a wise maxim of the father of his country, that "to be prepared for war is one of the most efficient means of preserving peace;" and that, "avoiding occasions of expense by cultivating peace," we should "remember, also, that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it." The general obligation to perform this duty is greatly strengthened by facts known to the whole world. A controversy respecting the Oregon territory now exists between the United States and Great Britain; and while, as far as we know, the relations of the latter with all European nations are of the most pacific character, she is making unusual and extraordinary armaments and warlike preparations, naval and military, both at home and in her North American possessions.

It can not be disguised, that however sincere may be the desire of peace, in the event of a rupture, these armaments and preparations would be used against our country. Whatever may have been the original purpose of these preparations, the fact is undoubted that they are now proceeding, in part, at least, with a view to the contingent possibility of a war with the United States. The general policy of making additional warlike preparations was distinctly announced, in the speech from the throne, as late as January last, and has since been reiterated by the ministers of the crown, in both houses of parliament. Under this aspect of our relations with Great Britain, I can not doubt the propriety of increasing our means of defence, both by land and sea. This can give Great Britain no cause of offence, nor increase the danger of a rupture. If, on the contrary, we should fold our arms in security, and at last be suddenly involved in hostilities for the maintenance of our just rights, without any adequate preparation, our responsibility to the country would be of the gravest character. Should collision between the two countries be avoided, as I sincerely trust it may be, the additional charge upon the treasury, in making the necessary preparations, will not be lost; while, in the event of such a collision, they would be indispensable for the maintenance of our national rights and national honor.

I have seen no reason to change or modify the recommendations of my annual message, in regard to the Oregon question. The notice to abrogate the treaty of the 6th of August, 1827, is authorized by the treaty itself, and can not be regarded as a warlike measure; and I can not withhold my strong conviction that it should be promptly given. The other recommendations are in conformity with the existing treaty, and would afford to American citizens in Oregon no more than the same measure of protection which has long since been extended to British subjects, in that territory.

The state of our relations with Mexico is still in an unsettled condition. Since the meeting of Congress another revolution has taken place in that country, by which the government has passed into the hands of new rulers. This event has procrastinated, and may possibly defeat, the settlement of the differences between the United States and that country. The minister of the United States to Mexico, at the date of the last advices, had not been received by the existing authorities. Demonstrations of a character hostile to the United States continue to be made in Mexico, which has rendered it proper, in my judgment, to keep nearly two thirds

of our army on our southwestern frontier. In doing this, many of the regular military posts have been reduced to a small force, inadequate to their defence, should an emergency arise.

In view of these "circumstances," it is my "judgment" that "an increase of our naval and military force is at this time required," to place the country in a suitable state of defence. At the same time, it is my settled purpose to pursue such a course of policy as may be best calculated to preserve, both with Great Britain and Mexico, an honorable peace; which nothing will so effectually promote as unanimity in our councils and a firm maintenance of all our just rights.

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### SPECIAL MESSAGE.

APRIL 2, 1846.

*To the Senate of the United States:—*

IN compliance with the request of a delegation of the Tonawanda band of the Seneca Indians, now in this city, I herewith transmit for your consideration a memorial addressed to the president and the senate, in relation to the treaty of January 15, 1838, with the "Six Nations of New York Indians;" and that of May 20, 1842, with the "Seneca nation of Indians."

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### SPECIAL MESSAGE.

APRIL 13, 1846.

*To the Senate and House of Representatives of the United States:—*

IN my annual message of the 2d of December last, it was stated that serious difficulties of long standing continued to distract the several parties into which the Cherokee tribe of Indians is unhappily divided; that all the efforts of the government to adjust these difficulties had proved to be unsuccessful, and would probably remain so, without the aid of further legislation by Congress. Subsequent events have confirmed this opinion.

I communicate herewith, for the information of Congress, a report from the secretary of war, transmitting a report of the commissioner of Indian affairs, with accompanying documents; together with memorials which have been received from the several bands, or parties of the Cherokees themselves. It will be perceived that internal feuds still exist, which call for the prompt intervention of the government of the United States.

Since the meeting of Congress, several unprovoked murders have been committed by the stronger upon the weaker party of the tribe, which will probably remain unpunished by the Indian authorities, and there is reason to apprehend that similar outrages will continue to be perpetrated, unless restrained by the authorities of the United States.

Many of the weaker party have been compelled to seek refuge beyond the limits of the Indian country, and within the state of Arkansas, and are destitute of the means for their daily subsistence. The military forces of the United States stationed on the western frontier have been active in



their exertions to suppress these outrages, and to execute the treaty of 1835, by which it is stipulated that "the United States agree to protect the Cherokee nation from domestic strife and foreign enemies, and against intestine wars between the several tribes."

These exertions of the army have proved to a great extent unavailing, for the reasons stated in the accompanying documents, including communications from the officer commanding at Fort Gibson.

I submit for the consideration of Congress, the propriety of making such amendments of the laws regulating intercourse with the Indian tribes as will subject to trial and punishment, in the courts of the United States, all Indians guilty of murder, and such other felonies as may be designated, when committed on other Indians within the jurisdiction of the United States.

Such a modification of the existing laws is suggested, because, if offenders against the laws of humanity in the Indian country are left to be punished by the Indian laws, they will generally, if not always, be permitted to escape with impunity. This has been the case in repeated instances among the Cherokees. For years, unprovoked murders have been committed, and yet no effort has been made to bring the offenders to punishment. Should this state of things continue, it is not difficult to foresee that the weaker party will be finally destroyed. As the guardian of the Indian tribes, the government of the United States is bound, by every consideration of duty and humanity, to interpose to prevent such a disaster.

From the examination which I have made into the actual state of things in the Cherokee nation, I am satisfied that there is no probability that the different bands or parties into which it is divided can ever again live together in peace and harmony, and that the well-being of the whole requires that they should be separated and live under separate governments, as distinct tribes.

That portion who emigrated to the west of the Mississippi prior to the year 1819, commonly called the "old settlers," and that portion who made the treaty of 1835, known as the "treaty party," it is believed would willingly unite, and could live together in harmony. The number of these, as nearly as can be estimated, is about one third of the tribe. The whole number of all the bands or parties does not probably exceed twenty thousand. The country which they occupy embraces seven millions of acres of land, with the privilege of an outlet to the western limits of the United States. This country is susceptible of division, and is large enough for all.

I submit to Congress the propriety of either dividing the country which they at present occupy, or of providing by law a new home for the one or the other of the bands or parties now in hostile array against each other, as the most effectual, if not the only means of preserving the weaker party from massacre and total extermination. Should Congress favor the division of the country, as suggested, and the separation of the Cherokees into two distinct tribes, justice will require that the annuities and funds belonging to the whole, now held in trust for them, should be equitably distributed among the parties, according to their respective claims and numbers.

There is still a small number of the Cherokee tribe remaining within the state of North Carolina, who, according to the stipulations of the treaty of 1835, should have emigrated with their brethren to the west of the

Mississippi. It is desirable that they should be removed ; and, in the event of a division of the country in the west, or of a new home being provided for a portion of the tribe, that they be permitted to join either party, as they may prefer, and be incorporated with them.

I submit the whole subject to Congress, that such legislative measures may be adopted as will be just to all the parties or bands of the tribe. Such measures, I am satisfied, are the only means of arresting the horrid and inhuman massacres which have marked the history of the Cherokees for the last few years, and especially for the last few months.

The Cherokees have been regarded as among the most enlightened of the Indian tribes ; but experience has proved that they have not yet advanced to such a state of civilization as to dispense with the guardian care and control of the government of the United States.

## SPECIAL MESSAGE.

APRIL 20, 1846.

*To the House of Representatives of the United States :—*

I HAVE considered the resolution of the house of representatives, of the 9th instant, by which I am requested "to cause to be furnished to that house an account of all payments made on president's certificates, from the fund appropriated by law, through the agency of the state department, for the contingent expenses of foreign intercourse, from the 4th of March, 1841, until the retirement of Daniel Webster from the department of state ; with copies of all entries, receipts, letters, vouchers, memorandums, or other evidence of such payments ; to whom paid, for what, and particularly all concerning the northeastern boundary dispute with Great Britain."

With an anxious desire to furnish to the house any information requested by that body, which may be in the executive departments, I have felt bound by a sense of public duty to inquire how far I could, with propriety, or consistently with the existing laws, respond to their call.

The usual annual appropriation "for the contingent expenses of intercourse between the United States and foreign nations" has been disbursed since the date of the act of May 1, 1810, in pursuance of its provisions. By the third section of that act it is provided :—

"That when any sum or sums of money shall be drawn from the treasury, under any law making appropriation for the contingent expenses of intercourse between the United States and foreign nations, the president shall be, and he is hereby authorized to cause the same to be duly settled, annually, with the accounting officers of the treasury, in the manner following, that is to say : by causing the same to be accounted for, specially, in all instances wherein the expenditure thereof may, in his judgment, be made public, and by making a certificate of the amount of such expenditures as he may think it advisable not to specify ; and every such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended."

Two distinct classes of expenditure are authorized by this law ; the one of a public, and the other of a private and confidential character. The president in office at the time of the expenditure is made by the law the sole judge whether it shall be public or private. Such sums are to be

their exertions to suppress these outrages, and to execute the treaty of 1835, by which it is stipulated that "the United States agree to protect the Cherokee nation from domestic strife and foreign enemies, and against intestine wars between the several tribes."

These exertions of the army have proved to a great extent unavailing, for the reasons stated in the accompanying documents, including communications from the officer commanding at Fort Gibson.

I submit for the consideration of Congress, the propriety of making such amendments of the laws regulating intercourse with the Indian tribes as will subject to trial and punishment, in the courts of the United States, all Indians guilty of murder, and such other felonies as may be designated, when committed on other Indians within the jurisdiction of the United States.

Such a modification of the existing laws is suggested, because, if offenders against the laws of humanity in the Indian country are left to be punished by the Indian laws, they will generally, if not always, be permitted to escape with impunity. This has been the case in repeated instances among the Cherokees. For years, unprovoked murders have been committed, and yet no effort has been made to bring the offenders to punishment. Should this state of things continue, it is not difficult to foresee that the weaker party will be finally destroyed. As the guardian of the Indian tribes, the government of the United States is bound, by every consideration of duty and humanity, to interpose to prevent such a disaster.

From the examination which I have made into the actual state of things in the Cherokee nation, I am satisfied that there is no probability that the different bands or parties into which it is divided can ever again live together in peace and harmony, and that the well-being of the whole requires that they should be separated and live under separate governments, as distinct tribes.

That portion who emigrated to the west of the Mississippi prior to the year 1819, commonly called the "old settlers," and that portion who made the treaty of 1835, known as the "treaty party," it is believed would willingly unite, and could live together in harmony. The number of these, as nearly as can be estimated, is about one third of the tribe. The whole number of all the bands or parties does not probably exceed twenty thousand. The country which they occupy embraces seven millions of acres of land, with the privilege of an outlet to the western limits of the United States. This country is susceptible of division, and is large enough for all.

I submit to Congress the propriety of either dividing the country which they at present occupy, or of providing by law a new home for the one or the other of the bands or parties now in hostile array against each other, as the most effectual, if not the only means of preserving the weaker party from massacre and total extermination. Should Congress favor the division of the country, as suggested, and the separation of the Cherokees into two distinct tribes, justice will require that the annuities and funds belonging to the whole, now held in trust for them, should be equitably distributed among the parties, according to their respective claims and numbers.

There is still a small number of the Cherokee tribe remaining within the state of North Carolina, who, according to the stipulations of the treaty of 1835, should have emigrated with their brethren to the west of the

Mississippi. It is desirable that they should be removed; and, in the event of a division of the country in the west, or of a new home being provided for a portion of the tribe, that they be permitted to join either party, as they may prefer, and be incorporated with them.

I submit the whole subject to Congress, that such legislative measures may be adopted as will be just to all the parties or bands of the tribe. Such measures, I am satisfied, are the only means of arresting the horrid and inhuman massacres which have marked the history of the Cherokees for the last few years, and especially for the last few months.

The Cherokees have been regarded as among the most enlightened of the Indian tribes; but experience has proved that they have not yet advanced to such a state of civilization as to dispense with the guardian care and control of the government of the United States.

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### SPECIAL MESSAGE.

APRIL 20, 1846.

*To the House of Representatives of the United States:—*

I HAVE considered the resolution of the house of representatives, of the 9th instant, by which I am requested "to cause to be furnished to that house an account of all payments made on president's certificates, from the fund appropriated by law, through the agency of the state department, for the contingent expenses of foreign intercourse, from the 4th of March, 1841, until the retirement of Daniel Webster from the department of state; with copies of all entries, receipts, letters, vouchers, memorandums, or other evidence of such payments; to whom paid, for what, and particularly all concerning the northeastern boundary dispute with Great Britain."

With an anxious desire to furnish to the house any information requested by that body, which may be in the executive departments, I have felt bound by a sense of public duty to inquire how far I could, with propriety, or consistently with the existing laws, respond to their call.

The usual annual appropriation "for the contingent expenses of intercourse between the United States and foreign nations" has been disbursed since the date of the act of May 1, 1810, in pursuance of its provisions. By the third section of that act it is provided:—

"That when any sum or sums of money shall be drawn from the treasury, under any law making appropriation for the contingent expenses of intercourse between the United States and foreign nations, the president shall be, and he is hereby authorized to cause the same to be duly settled, annually, with the accounting officers of the treasury, in the manner following, that is to say: by causing the same to be accounted for, specially, in all instances wherein the expenditure thereof may, in his judgment, be made public, and by making a certificate of the amount of such expenditures as he may think it advisable not to specify; and every such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended."

Two distinct classes of expenditure are authorized by this law; the one of a public, and the other of a private and confidential character. The president in office at the time of the expenditure is made by the law the sole judge whether it shall be public or private. Such sums are to be

"accounted for specially, in all instances wherein the expenditure thereof may, in his judgment, be made public." All expenditures "accounted for specially" are settled at the treasury, upon vouchers, and not on "president's certificates," and, like all other public accounts, are subject to be called for by Congress, and are open to public examination. Had information as respects this class of expenditures been called for by the resolution of the house, it would have been promptly communicated.

Congress, foreseeing that it might become necessary and proper to apply portions of this fund for objects, the original accounts and vouchers for which could not be "made public" without injury to the public interests, authorized the president, instead of such accounts and vouchers, to make a certificate of the amount "of such expenditures as he may think it advisable not to specify," and have provided that "every such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended."

The law making these provisions is in full force. It is binding upon all the departments of the government, and especially upon the executive, whose duty it is "to take care that the laws be faithfully executed." In the exercise of the discretion lodged by it in the executive, several of my predecessors have made "certificates" of the amount "of such expenditures as they have thought it advisable not to specify," and upon these certificates, as the only vouchers, settlements have been made at the treasury.

It appears that within the period specified in the resolution of the house, certificates were given by my immediate predecessor, upon which settlements have been made at the treasury, amounting to five thousand, four hundred and sixty dollars. He has solemnly determined that the objects and items of these expenditures should not be made public, and has given his certificates to that effect, which are placed upon the records of the country. Under the direct authority of an existing law, he has exercised the power of placing these expenditures under the seal of confidence, and the whole matter was terminated before I came into office. An important question arises, whether a subsequent president, either voluntarily, or at the request of one branch of Congress, can, without a violation of the spirit of the law, revise the acts of his predecessor, and expose to public view that which he had determined should not be "made public." If not a matter of strict duty, it would certainly be a safe general rule that this should not be done. Indeed, it may well happen, and probably would happen, that the president for the time being would not be in possession of the information upon which his predecessor acted, and could not, therefore, have the means of judging whether he had exercised his discretion wisely or not. The law requires no other voucher but the president's certificate, and there is nothing in its provisions which requires any "entries, receipts, letters, vouchers, memorandums, or other evidence of such payments," to be preserved in the executive department. The president who makes the "certificate," may, if he chooses, keep all the information and evidence upon which he acts, in his own possession. If, for the information of his successors, he shall leave the evidence on which he acts, and the items of the expenditures which make up the sum for which he has given his "certificate," on the confidential files of one of the executive departments, they do not, in any proper sense, become thereby public records. They are never seen or examined by the accounting officers of the treasury, when they settle an account on the "president's certi-

cate." The first Congress of the United States, on the 1st of July, 1790, passed an act "providing the means of intercourse between the United States and foreign nations," by which a similar provision to that which now exists, was made for the settlement of such expenditures as, in the judgment of the president, ought not to be made public. This act was limited in its duration. It was continued, for a limited term, in 1793, and between that time and the date of the act of May 1, 1810, which is now in force, the same provision was revived and continued. Expenditures were made and settled under presidential certificates, in pursuance of these laws.

If the president may answer the present call, he must answer similar calls for every such expenditure of a confidential character, made under every administration, in war and in peace, from the organization of the government to the present period. To break the seal of confidence imposed by the law, and heretofore uniformly preserved, would be subversive of the very purpose for which the law was enacted, and might be productive of the most disastrous consequences. The expenditures of this confidential character, it is believed, were never before sought to be made public, and I should greatly apprehend the consequences of establishing a precedent which would render such disclosures hereafter inevitable.

I am fully aware of the strong and correct public feeling which exists throughout the country, against secrecy of any kind, in the administration of the government, and especially in reference to public expenditures, yet our foreign negotiations are wisely and properly confined to the knowledge of the executive, during their pendency. Our laws require the accounts of every particular expenditure to be rendered and publicly settled at the treasury department. The single exception which exists is, not that the amounts embraced under president's certificates shall be withheld from the public, but merely that the items of which these are composed shall not be divulged. To this extent, and no further, is secrecy observed.

The laudable vigilance of the people in regard to all the expenditures of the government, as well as a sense of duty on the part of the president, and a desire to retain the good opinion of his fellow-citizens, will prevent any sum expended from being accounted for by the president's certificate, unless in cases of urgent necessity. Such certificates have, therefore, been resorted to but seldom throughout our past history.

For my own part, I have not caused any account whatever to be settled on a presidential certificate. I have had no occasion rendering it necessary, in my judgment, to make such a certificate, and it would be an extreme case which would ever induce me to exercise this authority; yet, if such a case should arise, it would be my duty to assume the responsibility devolved on me by the law.

During my administration, all expenditures for contingent expenses of foreign intercourse, in which the accounts have been closed, have been settled upon regular vouchers, as all other public accounts are settled at the treasury.

It may be alleged that the power of impeachment belongs to the house of representatives, and that, with a view to the exercise of this power, that house has the right to investigate the conduct of all public officers under the government. This is cheerfully admitted. In such a case, the safety of the republic would be the supreme law; and the power of the house, in the pursuit of this object, would penetrate into the most secret

recesses of the executive departments. It could command the attendance of any and every agent of the government, and compel them to produce all papers, public or private, official or unofficial, and to testify on oath to all facts within their knowledge. But, even in a case of that kind, they would adopt all wise precautions to prevent the exposure of all such matters, the publication of which might injuriously affect the public interest, except so far as this might be necessary to accomplish the great ends of public justice. If the house of representatives, as the grand inquest of the nation, should, at any time, have reason to believe that there has been malversation in office, by an improper use or application of the public money by a public officer, and should think proper to institute an inquiry into the matter, all the archives and papers of the executive departments, public or private, would be subject to the inspection and control of a committee of their body, and every facility in the power of the executive be afforded, to enable them to prosecute the investigation.

The experience of every nation on earth has demonstrated, that emergencies may arise, in which it becomes absolutely necessary for the public safety or the public good to make expenditures, the very object of which would be defeated by publicity. Some governments have very large amounts at their disposal, and have made vastly greater expenditures than the small amounts which have from time to time been accounted for on president's certificates. In no nation is the application of such sums ever made public. In time of war, or impending danger, the situation of the country may make it necessary to employ individuals, for the purpose of obtaining information, or rendering other important services, who could never be prevailed upon to act, if they entertained the least apprehension that their names, or their agency, would, in any contingency, be divulged. So, it may often become necessary to incur an expenditure for an object highly useful to the country; for example, the conclusion of a treaty with a barbarian power, whose customs require, on such occasions, the use of presents; but this object might be altogether defeated by the intrigues of other powers, if our purposes were to be made known by the exhibition of the original papers and vouchers to the accounting officers of the treasury. It would be easy to specify other cases which may occur in the history of a great nation, in its intercourse with other nations, wherein it might become absolutely necessary to incur expenditures for objects which could never be accomplished if it were suspected in advance that the items of expenditure, and the agencies employed, would be made public.

Actuated undoubtedly by considerations of this kind, Congress provided such a fund, coeval with the organization of the government; and subsequently enacted the law of 1810 as the permanent law of the land. While this law exists in full force, I feel bound by a high sense of public policy and duty to observe its provisions, and the uniform practice of my predecessors under it.

With great respect for the house of representatives, and an anxious desire to conform to their wishes, I am constrained to come to this conclusion.

If Congress disapprove the policy of the law, they may repeal its provisions.

In reply to that portion of the resolution of the house which calls for "copies of whatever communications were made from the secretary of state during the last session of the twenty-seventh Congress, particularly February, 1843, to Mr. Cushing and Mr. Adams, members of the commit-

tee of this house on foreign affairs, of the wish of the president of the United States to institute a special mission to Great Britain," I have to state that no such communications, or copies of them, are found in the department of state.

"Copies of all letters on the books of the department of state, to any officer of the United States, or any person in New York, concerning Alexander McLeod," which are also called for by the resolution, are herewith communicated.

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### SPECIAL MESSAGE.

MAY 6, 1846.

*To the House of Representatives of the United States :—*

I TRANSMIT herewith a report from the secretary of state, with accompanying papers, in answer to a resolution of the house of representatives of the 8th ultimo, requesting the president to communicate to that body, "if not incompatible with the public interest, copies of the correspondence of George W. Gordon, late consul of the United States at Rio de Janeiro, with the department of state, relating to the slave-trade in vessels and by citizens of the United States, between the coast of Africa and Brazil."

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### SPECIAL MESSAGE.

MAY 6, 1846.

*To the House of Representatives of the United States :—*

I TRANSMIT herewith a report of the secretary of war, in answer to the resolution of the house of representatives of the 4th instant, calling for information whether any "soldier or soldiers of the army of the United States have been shot for desertion, or in the act of desertion, and if so, by whose order, and under what authority."

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### MEXICAN WAR MESSAGE.

MAY 11, 1846.

*To the Senate and House of Representatives of the United States :—*

THE existing state of the relations between the United States and Mexico, renders it proper that I should bring the subject to the consideration of Congress. In my message at the commencement of your present session, the state of these relations, the causes which led to the suspension of diplomatic intercourse between the two countries in March, 1845, and the long-continued and unredressed wrongs and injuries committed by the Mexican government on citizens of the United States, in their persons and property, were briefly set forth.



As the facts and opinions which were then laid before you were carefully considered, I can not better express my present convictions of the condition of affairs up to that time, than by referring you to that communication.

The strong desire to establish peace with Mexico, on liberal and honorable terms, and the readiness of this government to regulate and adjust our boundary, and other causes of difference with that power, on such fair and equitable principles as would lead to permanent relations of the most friendly nature, induced me, in September last, to seek the reopening of diplomatic relations between the two countries. Every measure adopted on our part had for its object the furtherance of these desired results.

In communicating to Congress a succinct statement of the injuries which we had suffered from Mexico, and which have been accumulating during a period of more than twenty years, every expression that could tend to inflame the people of Mexico, or defeat or delay a pacific result, was carefully avoided. An envoy of the United States repaired to Mexico with full powers to adjust every existing difference. But though present on the Mexican soil, by agreement between the two governments, invested with full powers, and bearing evidence of the most friendly dispositions, his mission has been unavailing. The Mexican government not only refused to receive him, or listen to his propositions, but, after a long-continued series of menaces, have at last invaded our territory, and shed the blood of our fellow-citizens on our own soil.

It now becomes my duty to state more in detail the origin, progress, and failure of that mission. In pursuance of the instructions given in September last, an inquiry was made, on the thirteenth of October, in 1845, in the most friendly terms, through our consul in Mexico, of the minister of foreign affairs, whether the Mexican government "would receive an envoy from the United States intrusted with full powers to adjust all the questions in dispute between the two governments;" with the assurance that "should the answer be in the affirmative, such an envoy would be immediately despatched to Mexico."

The Mexican minister, on the fifteenth of October, gave an affirmative answer to this inquiry, requesting, at the same time, that our naval force at Vera Cruz might be withdrawn, lest its continued presence might assume the appearance of menace and coercion pending the negotiations. This force was immediately withdrawn. On the 10th of November, 1845, Mr. John Slidell, of Louisiana, was commissioned by me as envoy extraordinary and minister plenipotentiary of the United States to Mexico, and was intrusted with full powers to adjust both the questions of the Texas boundary and of indemnification to our citizens.

The redress of the wrongs of our citizens naturally and inseparably blended itself with the question of boundary. The settlement of the one question in any correct view of the subject, involves that of the other. I could not, for a moment, entertain the idea that the claims of our much-injured and long suffering citizens, many of which had existed for more than twenty years, should be postponed, or separated from the settlement of the boundary question.

Mr. Slidell arrived at Vera Cruz on the 30th of November, and was courteously received by the authorities of that city. But the government of General Herrera was then tottering to its fall. The revolutionary party had seized upon the Texas question to effect or hasten its overthrow. Its

determination to restore friendly relations with the United States, and to receive our minister, to negotiate for the settlement of this question, was violently assailed, and was made the great theme of denunciation against it.

The government of General Herrera, there is good reason to believe, was sincerely desirous to receive our minister; but it yielded to the storm raised by its enemies, and on the 21st of December refused to accredit Mr. Slidell, upon the most frivolous pretexts. These are so fully and ably exposed in the note of Mr. Slidell of the 24th of December last, to the Mexican minister of foreign relations, herewith transmitted, that I deem it unnecessary to enter into further detail on this portion of the subject.

Five days after the date of Mr. Slidell's note, General Herrera yielded the government to General Paredes without a struggle, and on the 30th of December resigned the presidency. This revolution was accomplished solely by the army, the people having taken little part in the contest; and thus the supreme power of Mexico passed into the hands of a military leader.

Determined to leave no effort untried to effect an amicable adjustment with Mexico, I directed Mr. Slidell to present his credentials to the government of General Paredes, and ask to be officially received by him. There would have been less ground for taking this step had General Paredes come into power by a regular constitutional succession. In that event his administration would have been considered but a mere constitutional continuance of the government of General Herrera, and the refusal of the latter to receive our minister would have been deemed conclusive, unless an intimation had been given by General Paredes of his desire to reverse the decision of his predecessor.

But the government of General Paredes owes its existence to a military revolution, by which the subsisting constitutional authorities had been subverted. The form of government was entirely changed, as well as all the high functionaries by whom it was administered.

Under these circumstances, Mr. Slidell, in obedience to my direction, addressed a note to the Mexican minister of foreign relations, under date of the 1st of March last, asking to be received by that government in the diplomatic character to which he had been appointed. This minister, in his reply, under date of the 12th of March, reiterated the arguments of his predecessor, and in terms that may be considered as giving just grounds of offence to the government and people of the United States, denied the application of Mr. Slidell. Nothing, therefore, remained for our envoy, but to demand his passports, and return to his own country.

Thus the government of Mexico, though solemnly pledged by official acts in October last, to receive and accredit an American envoy, violated their plighted faith, and refused the offer of a peaceful adjustment of our difficulties. Not only was the offer rejected, but the indignity of its rejection was enhanced by the manifest breach of faith in refusing to admit the envoy, who came because they had bound themselves to receive him. Nor can it be said that the offer was fruitless from the want of opportunity of discussing it: our envoy was present on their own soil.

Nor can it be ascribed to a want of sufficient powers: our envoy had full powers to adjust every question of difference. Nor was there room for complaint that our propositions for settlement were unreasonable: permission was not even given our envoy to make any proposition whatever. Nor can it be objected that we, on our part, would not listen to any rea-

sonable terms of their suggestion: the Mexican government refused all negotiation, and have made no proposition of any kind.

In my message at the commencement of the present session, I informed you that upon the earnest appeal both of the Congress and convention of Texas, I had ordered an efficient military force to take a position "between the Nueces and the Del Norte." This had become necessary to meet a threatened invasion of Texas by the Mexican forces, for which extensive military preparations had been made. The invasion was threatened solely because Texas had determined, in accordance with a solemn resolution of the Congress of the United States, to annex herself to our Union; and, under these circumstances, it was plainly our duty to extend our protection over her citizens and soil.

This force was concentrated at Corpus Christi, and remained there until after I had received such information from Mexico as rendered it probable, if not certain, that the Mexican government would refuse to receive our envoy.

Meantime, Texas, by the final action of our Congress, had become an integral part of our Union. The Congress of Texas, by its act of December 19, 1836, had declared the Rio del Norte to be the boundary of that republic. Its jurisdiction had been extended and exercised beyond the Nueces.

The country between that river and the Del Norte had been represented in the Congress and in the convention of Texas, had thus taken part in the act of annexation itself, and is now included within one of our congressional districts. Our own Congress had, moreover, with great unanimity, by the act December 31, 1845, recognised the country beyond the Nueces as a part of our territory by including it within our own revenue system; and a revenue officer, to reside within that district, has been appointed by and with the advice and consent of the senate.

It became, therefore, of urgent necessity to provide for the defence of that portion of our country. Accordingly, on the thirteenth of January last instructions were issued to the general in command of these troops to occupy the left bank of the Del Norte. This river—which is the southwestern boundary of the state of Texas—is an exposed frontier. From this quarter invasion was threatened; upon it and in its immediate vicinity, in the judgment of high military experience, are the proper stations for the protecting forces of the government.

In addition to this important consideration, several others occurred to induce this movement. Among these are the facilities afforded by the ports at Brazos Santiago and the mouth of the Del Norte for the reception of supplies by sea, the stronger and more healthful military positions, the convenience for obtaining a ready and more abundant supply of provisions, water, fuel, and forage, and the advantages which are afforded by the Del Norte in forwarding supplies to such posts as may be established in the interior and upon the Indian frontier.

The movement of the troops to the Del Norte was made by the commanding general, under positive instructions to abstain from all aggressive acts toward Mexico, or Mexican citizens, and to regard the relations between that republic and the United States as peaceful, unless she should declare war, or commit acts of hostility, indicative of a state of war. He was specially directed to protect private property and respect personal rights.

The army moved from Corpus Christi on the 11th of March, and on

the 28th of that month arrived on the left bank of the Del Norte, opposite to Matamoras, where it encamped on a commanding position, which has since been strengthened by the erection of field-works. A dépôt has also been established at Point Isabel, near the Brazos Santiago, thirty miles in rear of the encampment. The selection of his position was necessarily confided to the judgment of the general in command.

The Mexican forces at Matamoras assumed a belligerent attitude, and on the 12th of April, General Ampudia, then in command, notified General Taylor to break up his camp within twenty-four hours, and to retire beyond the Nueces river, and in the event of his failure to comply with these demands, announced that arms, and arms alone, must decide the question. But no open act of hostility was committed until the 24th of April. On that day, General Arista, who had succeeded to the command of the Mexican forces, communicated to General Taylor that "he considered hostilities commenced, and should prosecute them." A party of dragoons of sixty-three men and officers were on the same day despatched from the American camp up the Rio del Norte, on its left bank, to ascertain whether the Mexican troops had crossed, or were preparing to cross the river, "became engaged with a large body of these troops, and after a short affair, in which some sixteen were killed and wounded, appear to have been surrounded and compelled to surrender."

The grievous wrongs perpetrated by Mexico upon our citizens throughout a long period of years, remain unredressed; and solemn treaties, pledging her public faith for this redress, have been disregarded. A government either unable or unwilling to enforce the execution of such treaties, fails to perform one of its plainest duties.

Our commerce with Mexico has been almost annihilated. It was formerly highly beneficial to both nations; but our merchants have been deterred from prosecuting it by the system of outrage and extortion which the Mexican authorities have pursued against them, while their appeals through their own government for indemnity have been made in vain. Our forbearance has gone to such an extreme as to be mistaken in its character. Had we acted with vigor in repelling the insults and redressing the injuries inflicted by Mexico at the commencement, we should doubtless have escaped all the difficulties in which we are now involved.

Instead of this, however, we have been exerting our best efforts to propitiate her good will. Upon the pretext that Texas, a nation as independent as herself, thought proper to unite its destinies with our own, she has affected to believe that we have severed her rightful territory, and, in official proclamations and manifestoes, has repeatedly threatened to make war upon us for the purpose of reconquering Texas. In the meantime we have tried every effort at reconciliation. The cup of forbearance had been exhausted, even before the recent information from the frontier of the Del Norte. But now, after reiterated menaces, Mexico has passed the boundary of the United States, has invaded our territory, and shed American blood upon the American soil. She has proclaimed that hostilities have commenced, and that the two nations are now at war.

As war exists, and, notwithstanding all our efforts to avoid it, exists by the act of Mexico herself, we are called upon, by every consideration of duty and patriotism, to vindicate, with decision, the honor, the rights, and the interests of our country.

Anticipating the possibility of a crisis like that which has arrived, instructions were given in August last, "as a precautionary measure"

against invasion, or threatened invasion, authorizing General Taylor, if the emergency required, to accept volunteers, not from Texas only, but from the states of Louisiana, Alabama, Mississippi, Tennessee, and Kentucky; and corresponding letters were addressed to the respective governors of those states.

These instructions were repeated; and in January last, soon after the incorporation of "Texas into our union of states," General Taylor was further "authorized by the president to make a requisition upon the executive of that state for such of its militia force as may be needed to repel invasion, or to secure the country against apprehended invasion." On the 2d day of March, he was again reminded, "in the event of the approach of any considerable Mexican force, promptly and efficiently to use the authority with which he was clothed to call to him such auxiliary force as he might need."

War actually existing, and our territory having been invaded, General Taylor, pursuant to authority vested in him by my direction, has called on the governor of Texas for four regiments of state troops, two to be mounted, and two to serve on foot, and on the governor of Louisiana for four regiments of infantry, to be sent to him as soon as practicable.

In further vindication of our rights and defence of our territory, I invoke the prompt action of Congress to recognise the existence of the war, and to place at the disposition of the executive the means of prosecuting the war with vigor, and thus hastening the restoration of peace. To this end I recommend that authority should be given to call into the public service a large body of volunteers, to serve for not less than six or twelve months, unless sooner discharged.

A volunteer force is, beyond question, more efficient than any other description of citizen-soldiers; and it is not to be doubted that a number far beyond that required would readily rush to the field upon the call of their country. I further recommend that a liberal provision be made for sustaining our entire military force, and furnishing it with supplies and munitions of war.

The most energetic and prompt measures, and the immediate appearance in arms of a large and overpowering force, are recommended to Congress as the most certain and efficient means of bringing the existing collision with Mexico to a speedy and successful termination.

In making these recommendations, I deem it proper to declare that it is my anxious desire, not only to terminate hostilities speedily, but to bring all matters in dispute between this government and Mexico to an early and amicable adjustment; and, in this view, I shall be prepared to renew negotiations, whenever Mexico shall be ready to receive propositions, or to make propositions of her own.

I transmit herewith a copy of the correspondence between our envoy to Mexico and the Mexican minister for foreign affairs; and so much of the correspondence between that envoy and the secretary of state, and between the secretary of war and the general in command on the Del Norte, as are necessary to a full understanding of the subject.

## SPECIAL MESSAGE.

MAY 28, 1846.

*To the Senate and House of Representatives :—*

I TRANSMIT a copy of a note, under date the 26th instant, from the envoy extraordinary and minister plenipotentiary of her Britannic majesty to the secretary of state, communicating a despatch, under date the 4th instant, received by him from her majesty's principal secretary of state for foreign affairs.

From these it will be seen that the claims of the two governments upon each other, for a return of duties which had been levied in violation of the commercial convention of 1815, have been finally and satisfactorily adjusted. In making this communication, I deem it proper to express my satisfaction at the prompt manner in which the British government has acceded to the suggestion of the secretary of state for the speedy termination of this affair.

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## SPECIAL MESSAGE.

JUNE 6, 1846.

*To the Senate of the United States :—*

In answer to the resolutions of the senate of the 10th, 11th, and 22d of April last, I communicate herewith a report from the secretary of state, accompanied with the correspondence between the government of the United States and that of Great Britain in the years 1840, 1841, 1842, and 1843, respecting the right or practice of visiting or searching merchant-vessels in time of peace ; and also, the protest addressed by the minister of the United States at Paris, in the year 1842, against the concurrence of France in the quintuple treaty ; together with all correspondence relating thereto.

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## SPECIAL MESSAGE.

JUNE 8, 1846.

*To the Senate of the United States :—*

I COMMUNICATE herewith a report from the secretary of War, transmitting the correspondence, called for by the resolution of the senate of the 5th instant, with General Edmund P. Gaines and General Winfield Scott, of the army of the United States.

The report of the secretary of war, and the accompanying correspondence with General Gaines, contain all the information in my possession in relation to calls for "volunteers or militia into the service of the United States," "by any officer of the army," without legal "authority therefor," and of the "measures which have been adopted" "in relation to such officer or troops so called into service."

In addition to the information contained in the report of the secretary of war, and the accompanying correspondence with "Major-General Scott, of the United States army, upon the subject of his taking the command of the army of occupation on the frontier of Texas," I state, that on the same day on which I approved and signed the act of the 13th of May, 1846, entitled "An act providing for the prosecution of the existing war between the United States and the republic of Mexico," I communicated to General Scott, through the secretary of war, and also in a personal interview with that officer, my desire that he should take command of the army on the Rio Grande, and of the volunteer forces which I informed him it was my intention forthwith to call out to march to that frontier, to be employed in the prosecution of the war against Mexico. The tender of the command to General Scott was voluntary on my part, and was made without any request or intimation on the subject from him. It was made in consideration of his rank as commander-in-chief of the army. My communications with General Scott, assigning him the command, were verbal; first through the secretary of war, and afterward in person. No written order was deemed to be necessary. General Scott assented to assume the command; and on the following day I had another interview with him and the secretary of war, in relation to the number, and apportionment among the several states, of the volunteer forces to be called out for immediate service; the forces which were to be organized and held in readiness, subject to a future call should it become necessary; and other military preparations and movements to be made with a view to the vigorous prosecution of the war. It was distinctly settled, and was well understood by General Scott, that he was to command the army in the war against Mexico, and so continued to be settled and understood, without any other intention on my part, until the Secretary of War submitted to me the letter of General Scott, addressed to him under date of the 21st of May, 1846, a copy of which is herewith communicated. The character of that letter made it proper, in my judgment, to change my determination in regard to the command of the army, and the secretary of war, by my direction, in his letter of the 25th of May, 1846, a copy of which is also herewith communicated, for the reasons therein assigned, informed General Scott that he was relieved from the command of the army destined to prosecute the war against Mexico, and that he would remain in the discharge of his duties at Washington. The command of the army on the frontier of Mexico has since been assigned to General Taylor, with his brevet rank of major-general, recently conferred upon him.

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## SPECIAL MESSAGE.

JUNE 10, 1846.

*To the Senate of the United States:—*

I LAY before the senate a proposal, in the form of a convention, presented to the secretary of state on the sixth instant, by the envoy extraordinary and minister plenipotentiary of her Britannic majesty, for the adjustment of the Oregon question, together with a protocol of this proceeding. I submit this proposal to the consideration of the senate, and request their

advice as to the action which, in their judgment, it may be proper to take in reference to it.

In the early periods of the government, the opinion and advice of the senate were often taken in advance upon important questions of our foreign policy. General Washington repeatedly consulted the senate, and asked their previous advice upon pending negotiations with foreign powers; and the senate in every instance responded to his call by giving their advice, to which he always conformed his action. This practice, though rarely resorted to in later times, was, in my judgment, eminently wise, and may, on occasions of great importance, be properly revived. The senate are a branch of the treaty-making power; and, by consulting them in advance of his own action upon important measures of foreign policy which may ultimately come before them for their consideration, the President secures harmony of action between that body and himself. The senate are, moreover, a branch of the war-making power, and it may be eminently proper for the executive to take the opinion and advice of that body in advance upon any great question which may involve in its decision the issue of peace or war. On the present occasion, the magnitude of the subject would induce me, under any circumstances, to desire the previous desire of the senate; and that desire is increased by the recent debates and proceedings in Congress, which render it, in my judgment, not only respectful to the senate, but necessary and proper, if not indispensable, to insure harmonious action between that body and the executive. In conferring on the executive the authority to give the notice for the abrogation of the convention of 1827, the senate acted publicly so large a part, that a decision on the proposal now made by the British government, without a definite knowledge of the views of that body in reference to it, might render the question still more complicated and difficult of adjustment. For these reasons I invite the consideration of the senate to the proposal of the British government for the settlement of the Oregon question, and ask their advice on the subject.

My opinions and my action on the Oregon question were fully made known to congress in my annual message of the second of December last; and the opinions therein expressed remain unchanged.

Should the senate, by the constitutional majority required for the ratification of treaties, advise the acceptance of this proposition, or advise it with such modifications as they may, upon full deliberation, deem proper, I shall conform my action to their advice. Should the senate, however, decline by such constitutional majority to give such advice, or to express an opinion on the subject, I shall consider it my duty to reject the offer.

I also communicate herewith an extract from a despatch of the secretary of state to the minister of the United States at London, under the date of the 28th of April last, directing him, in accordance with the joint resolution of Congress "concerning the Oregon territory," to deliver the notice to the British government for the abrogation of the convention of the 6th of August, 1827; and also a copy of the notice transmitted to him for that purpose, together with extracts from a despatch of that minister to the secretary of state, bearing date on the 18th day of May last.



## SPECIAL MESSAGE.

JUNE 16, 1846.

*To the Senate of the United States :—*

IN answer to the resolution of the senate of the 3d instant, I communicate, herewith, estimates prepared by the war and navy departments, of the probable expenses of conducting the existing war with Mexico, during the remainder of the present and the whole of the next fiscal year. I communicate also a report of the secretary of the treasury, based upon these estimates, containing recommendations of measures for raising the additional means required. It is probable that the actual expenses incurred during the period specified may fall considerably below the estimates submitted, which are for a larger number of troops than have yet been called to the field. As a precautionary measure, however, against any possible deficiency, the estimates have been made at the largest amount which any state of the service may require.

It will be perceived from the report of the secretary of the treasury that a considerable portion of the additional amount required may be raised by a modification of the rates of duty imposed by the existing tariff laws. The high duties at present levied on many articles totally exclude them from importation, while the quantity and amount of others which are imported are greatly diminished. By reducing these duties to a revenue standard, it is not doubted that a large amount of the articles on which they are imposed would be imported, and a corresponding amount of revenue be received at the treasury from this source. By imposing revenue duties on many articles now permitted to be imported free of duty, and by regulating the rates within the revenue standard upon others, a large additional revenue will be collected. Independently of the high considerations which induced me, in my annual message, to recommend a modification and reduction of the rates of duty imposed by the act of 1842 as being not only proper in reference to a state of peace, but just to all the great interests of the country, the necessity of such modification and reduction as a war measure must now be manifest. The country requires additional revenue for the prosecution of the war. It may be obtained, to a great extent, by reducing the prohibitory and highly protective duties imposed by the existing laws to revenue rates ; by imposing revenue duties on the free list ; and by modifying the rates of duty on other articles.

The modifications recommended by the secretary of the treasury in his annual report in December last were adapted to a state of peace, and the additional duties now suggested by him are with a view strictly to raise revenue as a war measure. At the conclusion of the war these duties may and should be abolished, and reduced to lower rates.

It is not apprehended that the existing war with Mexico will materially affect our trade and commerce with the rest of the world. On the contrary, the reductions proposed would increase that trade, and augment the revenue derived from it.

When the country is in a state of war, no contingency should be permitted to occur in which there would be a deficiency in the treasury for the vigorous prosecution of the war ; and, to guard against such an event, it is recommended, that contingent authority be given to issue treasury-

notes, or to contract a loan for a limited amount, reimbursable at an early day. Should no occasion arise to exercise the power, still it may be important that the authority should exist should there be a necessity for it.

It is not deemed necessary to resort to direct taxes or excises, the measures recommended being deemed preferable as a means of increasing the revenue. It is hoped that the war with Mexico, if vigorously prosecuted, as is contemplated, may be of short duration. I shall be at all times ready to conclude an honorable peace, whenever the Mexican government shall manifest a like disposition. The existing war has been rendered necessary by the acts of Mexico, and whenever that power shall be ready to do us justice, we shall be prepared to sheath the sword and tender the olive-branch of peace.

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### SPECIAL MESSAGE.

JUNE 16, 1846.

*To the Senate of the United States :—*

IN accordance with the resolution of the senate of the 12th instant, that 'the president of the United States be, and he is hereby, advised to accept the proposal of the British government, accompanying his message to the senate dated 10th June, 1846, for a convention to settle boundaries, &c., between the United States and Great Britain west of the Rocky or Stony mountains," a convention was concluded and signed on the 15th instant, by the secretary of state on the part of the United States, and the envoy extraordinary and minister plenipotentiary of her Britannic majesty on the part of Great Britain.

This convention I now lay before the senate for their consideration, with a view to its ratification.

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### SPECIAL MESSAGE.

JUNE 17, 1846.

*To the House of Representatives of the United States :—*

I COMMUNICATE herewith a report from the secretary of the navy, accompanied with the correspondence called for by the resolution of the house of representatives of the 4th of May last, between Commander G. I. Pendergrast, and the governments on the Rio de la Plata, and the foreign naval commanders and the United States minister at Buenos Ayres and the navy department, while or since said Pendergrast was in command of the United States ship Boston, in the Rio de la Plata, touching said service.

## SPECIAL MESSAGE.

JULY 2, 1846.

*To the House of Representatives :—*

I TRANSMIT herewith a report from the secretary of state, together with copies of the correspondence in the year 1841, between the president of the United States and the governor of New York, relative to the appearance of Joshua A. Spencer, Esq., district attorney of the United States for the western district of New York, in the courts of the state of New York, as council for Alexander M'Leod, called for by the resolution of the house of representatives of the 10th of April, 1846.

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## SPECIAL MESSAGE.

JULY 9, 1846.

*To the Senate of the United States :—*

I COMMUNICATE herewith a report from the secretary of the treasury, transmitting a report from the commissioner of public lands, in reply to the resolution of the senate of the 22d of June, 1846, calling for information of the "progress which has been made in the surveys of the mineral region upon Lake Superior, and within what time such surveys may probably be prepared for the sales of the lands in that country." In answer to that portion of the resolution which calls for the "views" of the executive "respecting the proper mode of disposing of said lands, keeping in view the interest of the United States, and the equitable claims of individuals who, under the authority of the War Department, have made improvements thereon, or acquired rights of possession," I recommend that these lands be brought in market and sold at such price and under such regulations as Congress may prescribe, and that the right of pre-emption be secured to such persons as have, under the authority of the War Department, made improvements or acquired rights of possession thereon. Should Congress deem it proper to authorize the sale of these lands, it will be necessary to attach them to suitable land districts, and that they be placed under the management and control of the general land office, as other public lands.

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## SPECIAL MESSAGE.

JULY 21, 1846.

*To the Senate of the United States :—*

I HEREWITH transmit, in compliance with the request of the senate in their resolution of the 17th of June, 1846, a report of the secretary of state, together with a copy of all "the despatches and instructions" "relative to the Oregon treaty," "forwarded to our minister, Mr. M'Lane," "not

heretofore communicated to the senate," including a statement of the propositions for the adjustment of the Oregon question previously made and rejected by the respective governments. This statement was furnished to Mr. McLane before his departure from the country, and is dated on the 12th July, 1845, the day on which the note was addressed by the secretary of state to Mr. Pakenham, offering to settle the controversy by the 49th parallel of latitude, which was rejected by that minister on the 29th July following.

The Senate will perceive that extracts from but two of Mr. McLane's "despatches and communications to this government" are transmitted; and these only because they were necessary to explain the answers given to them by the secretary of state.

These despatches are both numerous and voluminous; and, from their confidential character, their publication, it is believed, would be highly prejudicial to the public interests.

Public considerations alone have induced me to withhold the despatches of Mr. McLane addressed to the secretary of state. I concur with the secretary of state in the views presented in his report, herewith transmitted against the publication of these despatches.

Mr. McLane has performed his whole duty to his country; and I am not only willing, but anxious, that every senator who may desire it, shall have an opportunity of perusing these despatches at the department of state. The secretary of state has been instructed to afford every facility for this purpose.

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## RIVER AND HARBOR VETO.

AUGUST 3, 1846.

*To the House of Representatives:—*

I HAVE considered the bill entitled "An act making appropriations for the improvement of certain harbors and rivers," with the care which its importance demands, and now return the same to the house of representatives, in which it originated, with my objections to its becoming a law. The bill proposes to appropriate one million three hundred and seventy-eight thousand four hundred and fifty dollars, to be applied to more than forty distinct and separate objects of improvement. On examining its provisions, and the variety of objects of improvement which it embraces, many of them of a local character, it is difficult to conceive, if it shall be sanctioned and become a law, what practical constitutional restraint can hereafter be imposed upon the most extended system of internal improvements by the federal government in all parts of the Union. The constitution has not, in my judgment, conferred upon the federal government the power to construct works of internal improvement within the states, or to appropriate money from the treasury for that purpose. That this bill assumes for the federal government the right to exercise this power, can not, I think, be doubted. The approved course of the government, and the deliberately-expressed judgment of the people, have denied the existence of such a power under the constitution. Several of my predecessors have denied its existence in the most solemn forms.

The general proposition that the federal government does not possess

this power is so well settled, and has for a considerable period been generally acquiesced in, that it is not deemed necessary to reiterate the arguments by which it is sustained. Nor do I deem it necessary, after the full and elaborate discussions which have taken place before the country on this subject, to do more than state the general considerations which have satisfied me of the unconstitutionality and inexpediency of the exercise of such a power.

It is not questioned that the federal government is one of limited powers. Its powers are such, and such only, as are expressly granted in the constitution, or are properly incident to the expressly granted powers, and necessary to their execution. In determining whether a given power has been granted, a sound rule of construction has been laid down by Mr. Madison. That rule is, that "whenever a question arises concerning a particular power, the first question is whether the power be expressed in the constitution. If it be, the question is decided. If it be not expressed, the next inquiry must be, whether it is properly an incident to an expressed power, and necessary to its execution. If it be, it may be exercised by Congress. If it be not, Congress can not exercise it." It is not pretended that there is any express grant in the constitution conferring on Congress the power in question. Is it, then, an incidental power, necessary and proper for the execution of any of the granted powers? All the granted powers, it is confidently affirmed, may be effectually executed without the aid of such an incident. "A power to be incidental must not be exercised for ends which make it a principal, or substantive power, independent of the principal power to which it is an incident." It is not enough that it may be regarded by Congress as convenient, or that its exercise would advance the public weal. It must be necessary and proper to the execution of the principal expressed power to which it is an incident, and without which such principal power can not be carried into effect. The whole frame of the federal constitution proves that the government which it creates was intended to be one of limited and specified powers. A construction of the constitution so broad as that by which the power in question is defended, tends imperceptibly to a consolidation of power in a government intended by its framers to be thus limited in its authority. "The obvious tendency and inevitable result of a consolidation of the states into one sovereignty, would be to transform the republican system of the United States into a monarchy." To guard against the assumption of all powers which encroach upon the reserved sovereignty of the states, and which consequently tend to consolidation, is the duty of all the true friends of our political system. That the power in question is not properly an incident to any of the granted powers, I am fully satisfied; but if there were doubts on this subject, experience has demonstrated the wisdom of the rule that all the functionaries of the federal government should abstain from the exercise of all questionable or doubtful powers. If an enlargement of the powers of the federal government should be deemed proper, it is safer and wiser to appeal to the states and the people in the mode prescribed by the constitution for the grant desired, than to assume its exercise without an amendment of the constitution. If Congress does not possess the general power to construct works of internal improvement within the states, or to appropriate money from the treasury for that purpose, what is there to exempt some, at least, of the objects of appropriation included in this bill from the operation of the general rule? This bill assumes the existence of the power, and in some of its provisions asserts the principle, that Con-

gress may exercise it as fully as though the appropriations which it proposes were applicable to the construction of roads and canals. If there be a distinction in principle, it is not perceived, and should be clearly defined. Some of the objects of appropriation contained in this bill are local in their character, and lie within the limits of a single state; and though, in the language of the bill, they are called harbors, they are not connected with foreign commerce, nor are they places of refuge or shelter for our navy, or commercial marine, on the ocean or lake shores. To call the mouth of a creek, or a shallow inlet on our coast, a harbor, can not confer the authority to expend the public money in its improvement. Congress have exercised the power, coeval with the constitution, of establishing lighthouses, beacons, buoys, and piers, on our ocean and lake shores, for the purpose of rendering navigation safe and easy, and of affording protection and shelter for our navy and other shipping. These are safeguards placed in existing channels of navigation. After the long acquiescence of the government through all preceding administrations, I am not disposed to question or disturb the authority to make appropriations for such purposes.

When we advance a step beyond this point, and, in addition to the establishment and support, by appropriations from the treasury, of lighthouses, beacons, buoys, piers, and other improvements, within the bays, inlets, and harbors, on our ocean and lake coasts immediately connected with our foreign commerce, attempt to make improvements in the interior at points unconnected with foreign commerce, and where they are not needed for the protection and security of our navy and commercial marine, the difficulty arises in drawing a line beyond which appropriations may not be made by the federal government.

One of my predecessors, who saw the evil consequences of the system proposed to be revived by this bill, attempted to define this line by declaring that "expenditures of this character" should be "confined below the ports of entry or delivery established by law!" Acting on this restriction, he withheld his sanction from a bill which had passed Congress "to improve the navigation of the Wabash river." He was at the same time "sensible that this restriction was not as satisfactory as could be desired, and that much embarrassment may be caused to the executive department in its execution, by appropriations for remote and not well-understood objects." This restriction, it was soon found, was subject to be evaded, and rendered comparatively useless in checking the system of improvements which it was designed to arrest, in consequence of the facility with which ports of entry and delivery may be established by law upon the upper waters, and in some instances almost at the head springs of some of the most unimportant of our rivers, and at points on our coast possessing no commercial importance, and not used as places of refuge and safety by our navy, and other shipping. Many of the ports of entry and delivery now authorized by law, so far as foreign commerce is concerned, exist only in the statute-books. No entry of foreign goods is ever made, and no duties are ever collected at them. No exports of American products bound for foreign countries ever clear from them. To assume that their existence in the statute-book as ports of entry or delivery warrants expenditures on the waters leading to them, which would be otherwise unauthorized, would be to assert the proposition that the law-making power may engraft new provisions on the constitution. If the restriction is a sound one, it can only apply to the bays, inlets, and rivers, connected with or leading to such ports as actually have foreign commerce; ports at which foreign importations

arrive in bulk, paying the duties, charged by law, and from which exports are made to foreign countries. It will be found, by applying the restriction thus understood to the bill under consideration, that it contains appropriations for more than twenty objects of internal improvement, called in the bill harbors, at places which have never been declared by law either ports of entry or delivery, and at which, as appears from the records of the treasury, there has never been an arrival of foreign merchandise, and from which there has never been a vessel cleared for a foreign country. It will be found that many of these works are new, and at places for the improvement of which appropriations are now for the first time proposed. It will be found, also, that the bill contains appropriations for rivers upon which there not only exists no foreign commerce, but upon which there has not been established even a paper port of entry, and for the mouths of creeks, denominated harbors, which if improved can benefit only the particular neighborhood in which they are situated. It will be found, too, to contain appropriations the expenditure of which will only have the effect of improving one place at the expense of the local, natural advantages of another in its vicinity. Should this bill become a law, the same principle which authorizes the appropriations which it proposes to make, would also authorize similar appropriations for the improvement of all the other bays, inlets, and creeks, which may with equal propriety be called harbors, and of all the rivers, important or unimportant, in every part of the Union. To sanction the bill with such provisions, would be to concede the principle that the federal government possesses the power to expend the public money in a general system of internal improvements, limited in its extent only by the ever-varying discretion of successive congresses and successive executives. It would be to efface and remove the limitations and restrictions of power which the constitution has wisely provided, to limit the authority and action of the federal government to a few well-defined and specified objects. Besides these objections, the practical evils which must flow from the exercise, on the part of the federal government, of the powers asserted in this bill, impress my mind with a grave sense of my duty to avert them from the country, as far as my constitutional action may enable me to do so.

It not only leads to a consolidation of power in the federal government at the expense of the rightful authority of the states, but its inevitable tendency is, to embrace objects for the expenditure of the public money which are local in their character, benefiting but few at the expense of the common treasury of the whole. It will engender sectional feelings and prejudices calculated to disturb the harmony of the Union. It will destroy the harmony which should prevail in our legislative councils.

It will produce combinations of local and sectional interests, strong enough, when united, to carry propositions for appropriations of public money which could not of themselves, and standing alone, succeed, and can not fail to lead to wasteful and extravagant expenditures.

It must produce a disreputable scramble for the public money, by the conflict which is inseparable from such a system, between local and individual interests and the general interest of the whole. It is unjust to those states which have with their own means constructed their own internal improvements, to make from the common treasury appropriations for similar improvements in other states.

In its operation it will be oppressive and unjust toward those states whose representatives and people either deny or doubt the existence of the

power, or think its exercise inexpedient, and who, while they equally contribute to the treasury, can not, consistently with their opinions, engage in the general competition for a share of the public money. Thus a large portion of the Union in numbers and in geographical extent, contributing its equal proportion of taxes to the support of the government, would, under the operation of such a system, be compelled to see the national treasure—the common stock of all—unequally disbursed, and often improvidently wasted, for the advantage of small sections, instead of being applied to the great national purposes in which all have a common interest, and for which alone the power to collect the revenue was given. Should the system of internal improvements proposed prevail, all these evils will multiply and increase with the increase of the number of the states, and the extension of the geographical limits of the settled portions of our country. With the increase of our numbers and the extension of our settlements, the local objects demanding appropriations of the public money for their improvements will be proportionately increased. In each case the expenditure of the public money would confer benefits, direct or indirect, only on a section, while these sections would become daily less in comparison with the whole.

The wisdom of the framers of the constitution in withholding power over such objects from the federal government, and leaving them to the local government of the states, becomes more and more manifest with every year's experience of the operations of our system.

In a country of limited extent, with but few such objects of expenditure, (if the form of government permitted it), a common treasury might be used for their improvement with much less inequality and injustice than in one of the vast extent which ours now presents in population and territory. The treasure of the world would hardly be equal to the improvement of every bay, inlet, creek, and river, in our country, which might be supposed to promote the agricultural, manufacturing, or commercial interests of a neighborhood.

The federal constitution was wisely adapted in its provisions to any expansion of our limits and population; and with the advance of the confederacy of the states in the career of national greatness, it becomes the more apparent that the harmony of the Union, and the equal justice to which all its parts are entitled, require that the federal government should confine its action within the limits prescribed by the constitution to its power and authority. Some of the provisions of this bill are not subject to the objections stated; and, did they stand alone, I should not feel it to be my duty to withhold my approval.

If no constitutional objections existed to the bill, there are others of a serious nature which deserve some consideration. It appropriates between one and two millions of dollars for objects which are of no pressing necessity; and this is proposed at a time when the country is engaged in a foreign war, and when Congress at its present session has authorized a loan or the issue of treasury-notes to defray the expenses of the war, to be resorted to if the "exigencies of the government shall require it." It would seem to be the dictate of wisdom, under such circumstances, to husband our means, and not to waste them on comparatively unimportant objects, so that we may reduce the loan or issue of treasury-notes which may become necessary to the smallest practicable sum. It would seem to be wise, too, to abstain from such expenditures with a view to avoid the accumulation of a large public debt, the existence of which would be op-



posed to the interests of our people, as well as to the genius of our free institutions.

Should this bill become a law, the principle which it establishes will inevitably lead to large and annually increasing appropriations and drains upon the treasury, for it is not to be doubted that numerous other localities not embraced in its provisions, but quite as much entitled to the favor of the government as those which are embraced, will demand through their representatives in Congress, to be placed on an equal footing with them. With such an increase of expenditure must necessarily follow either an increased public debt, or increased burdens upon the people by taxation, to supply the treasury with the means of meeting the accumulated demands upon it.

With profound respect for the opinions of Congress, and ever anxious, as far as I can consistently with my responsibility to our common constituents, to co-operate with them in the discharge of our respective duties, it is with unfeigned regret that I find myself constrained, for the reasons which I have assigned, to withhold my approval from this bill.

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### SPECIAL MESSAGE.

AUGUST 4, 1846.

*To the Senate of the United States:—*

I HEREWITH communicate to the senate the copy of a letter, under date of the 27th ultimo, from the secretary of state of the United States to the minister of foreign relations of the Mexican republic, again proposing to open negotiations and conclude a treaty of peace, which shall adjust all the questions in dispute between the two republics. Considering the relative power of the two countries, the glorious events which have already signalized our arms, and the distracted condition of Mexico, I did not conceive that any point of national honor could exist which ought to prevent me from making this overture. Equally anxious to terminate, by a peace honorable for both parties, as I was originally to avoid the existing war, I have deemed it my duty again to extend the olive-branch to Mexico. Should the government of that republic accept the offer in the same friendly spirit by which it was dictated, negotiations will speedily commence for the conclusion of a treaty.

The chief difficulty to be anticipated in the negotiation is the adjustment of the boundary between the parties, by a line which shall at once be satisfactory and convenient to both, and such as neither will hereafter be inclined to disturb. This is the best mode of securing perpetual peace and good neighborhood between the two republics. Should the Mexican government, in order to accomplish these objects, be willing to cede any portion of their territory to the United States, we ought to pay them a fair equivalent; a just and honorable peace, and not conquest, being our purpose in the prosecution of the war.

Under these circumstances, and considering the exhausted and distracted condition of the Mexican republic, it might become necessary, in order to restore peace, that I should have it in my power to advance a portion of the consideration money for any cession of territory which may be made. The Mexican government might not be willing to wait for the payment of

the whole until the treaty could be ratified by the senate, and an appropriation to carry it into effect be made by Congress; and the necessity for such a delay might defeat the object altogether. I would, therefore, suggest whether it might not be wise for Congress to appropriate a sum such as they might consider adequate for this purpose, to be paid, if necessary, immediately upon the ratification of the treaty by Mexico. This disbursement would of course be accounted for at the treasury, not as secret service money, but like other expenditures.

Two precedents for such a proceeding exist in our past history, during the administration of Mr. Jefferson, to which I would call your attention. On the 26th of February, 1803, Congress passed an act appropriating two millions of dollars "for the purpose of defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations," "to be applied under the direction of the president of the United States, who shall cause an account of the expenditure thereof to be laid before Congress as soon as may be;" and, on the 13th of February, 1806, an appropriation was made of the same amount, and in the same terms. The object, in the first case, was to enable the president to obtain the cession of Louisiana; and, in the second, that of the Floridas. In neither case was the money actually drawn from the treasury; and I should hope that the result might be similar, in this respect, on the present occasion, though the appropriation is deemed expedient as a precautionary measure.

I refer the whole subject to the senate in executive session. If they should concur in opinion with me, then I recommend the passage of a law appropriating such a sum as Congress may deem adequate, to be used by the executive, if necessary, for the purpose which I have indicated.

In the two cases to which I have referred, the special purpose of the appropriation did not appear on the face of the law, as this might have defeated the object; neither, for the same reason, in my opinion, ought it now to be stated.

I also communicate to the senate the copy of a letter from the secretary of state to Commodore Conner of the 27th ultimo, which was transmitted to him on the day it bears date.

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## SPECIAL MESSAGE.

AUGUST 5, 1846.

*To the Senate and House of Representatives of the United States:—*

I COMMUNICATE, herewith, a copy of a convention for the settlement and adjustment of the Oregon question, which was concluded in this city on the 15th day of June last, between the United States and her Britannic majesty. This convention has since been duly ratified by the respective parties, and the ratifications were exchanged at London on the 17th day of July, 1846.

It now becomes important that provision should be made by law, at the earliest practicable period, for the organization of a territorial government in Oregon.

It is also deemed proper that our laws regulating trade and intercourse with the Indian tribes east of the Rocky mountains should be extended to

such tribes within our territory as dwell beyond them ; and that a suitable number of Indian agents should be appointed for the purpose of carrying these laws into execution.

It is likewise important that mail facilities, so indispensable for the diffusion of information, and for binding together the different portions of our extended confederacy, should be afforded to our citizens west of the Rocky mountains.

There is another subject to which I desire to call your special attention. It is of great importance to our country generally and especially to our navigating and whaling interests, that the pacific coast, and indeed, the whole of our territory west of the Rocky mountains, should speedily be filled up by a hardy and patriotic population. Emigrants to that territory have many difficulties to encounter and privations to endure, in their long and perilous journey ; and, by the time they reach their place of destination, their pecuniary means are generally much reduced, if not altogether exhausted. Under these circumstances, it is deemed but an act of justice that these emigrants, while most effectually advancing the interests and policy of the government, should be aided by liberal grants of land. I would, therefore, recommend that such grants be made to actual settlers, upon the terms and under the restrictions and limitations which Congress may think advisable

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### SPECIAL MESSAGE.

AUGUST 8, 1846.

*To the Senate and House of Representatives of the United States:—*

I INVITE your attention to the propriety of making an appropriation to provide for any expenditure which it may be necessary to make in advance for the purpose of settling all our difficulties with the Mexican republic. It is my sincere desire to terminate, as it was originally to avoid, the existing war with Mexico, by a peace just and honorable to both parties. It is probable that the chief obstacle to be surmounted in accomplishing this desirable object will be the adjustment of a boundary between the two republics, which shall prove satisfactory and convenient to both, and such as neither will hereafter be inclined to disturb. In the adjustment of this boundary, we ought to pay a fair equivalent for any concessions which may be made by Mexico.

Under these circumstances, and considering the other complicated questions to be settled by negotiations with the Mexican republic, I deem it important that a sum of money should be placed under the control of the executive, to be advanced, if need be, to the government of that republic, immediately after their ratification of a treaty. It might be inconvenient for the Mexican government to wait for the whole sum, the payment of which may be stipulated by this treaty, until it could be ratified by our senate, and an appropriation to carry it into effect made by Congress. Indeed, the necessity for this delay might defeat the object altogether. The disbursement of this money would of course be accounted for, not as secret service money, but like other expenditures.

Two precedents for such a proceeding exist in our past history during the administration of Mr. Jefferson, to which I would call your attention.

On the 26th February, 1803, an act was passed appropriating two millions of dollars, "for the purpose of defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations," "to be applied under the direction of the president of the United States, who shall cause an account of the expenditure thereof to be laid before Congress as soon as may be;" and on the 13th of February, 1806, an appropriation was made of the same amount, and in the same terms. In neither case was the money actually drawn from the treasury; and I should hope that the result in this respect might be similar on the present occasion, although the appropriation may prove to be indispensable in accomplishing the object. I would, therefore, recommend the passage of a law appropriating \$2,000,000, to be placed at the disposal of the executive, for the purpose which I have indicated.

In order to prevent all misapprehension, it is my duty to state that, anxious as I am to terminate the existing war with the least possible delay, it will continue to be prosecuted with the utmost vigor until a treaty of peace shall be signed by the parties, and ratified by the Mexican republic.

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## FRENCH CLAIMS VETO.

AUGUST 8, 1846.

*To the Senate of the United States:—*

I return to the senate, in which it originated, the bill entitled "An act to provide for the ascertainment and satisfaction of claims of American citizens for spoiliations committed by the French prior to the 31st day of July, one thousand eight hundred and one," which was presented to me on the 6th instant, with my objections to its becoming a law.

In attempting to give to the bill the careful examination it requires, difficulties presented themselves in the outset, from the remoteness of the period to which the claims belong, the complicated nature of the transactions in which they originated, and the protracted negotiations to which they led between France and the United States.

The short time intervening between the passage of the bill by Congress and the approaching close of their session, as well as the pressure of other official duties, have not permitted me to extend my examination of the subject into its minute details. But in the consideration which I have been able to give to it, I find objections of a grave character to its provisions. For the satisfaction of the claims provided for by the bill, it is proposed to appropriate five millions of dollars. I can perceive no legal or equitable ground upon which this large appropriation can rest. A portion of the claims have been more than half a century before the government, in its executive or legislative departments; and all of them had their origin in events which occurred prior to the year 1800. Since 1802 they have been from time to time before Congress. No greater necessity or propriety exists for providing for these claims at this time than has existed for near half a century, during all which period this questionable measure has never until now received the favorable consideration of Congress. It is scarcely probable, if the claim had been regarded as obligatory upon the government, or constituting an equitable demand upon the treasury, that those who were contemporaneous with the events which gave rise to it should not long

since have done justice to the claimants. The treasury has often been in a condition to enable the government to do so without inconvenience, if these claims had been considered just. Mr. Jefferson, who was fully cognizant of the early dissensions between the governments of the United States and France out of which the claims arose, in his annual message in 1808 adverted to the large surplus then in the treasury, and its "probable accumulation," and inquired whether it should "lie unproductive in the public vaults;" and yet these claims, though then before Congress, were not recognised or paid. Since that time the public debt of the revolution and of the war of 1812 has been extinguished; and at several periods since, the treasury has been in possession of large surpluses over the demands upon it. In 1836 the surplus amounted to many millions of dollars; and for want of proper objects to which to apply it, it was directed by Congress to be deposited with the states.

During this extended course of time, embracing periods eminently favorable for satisfying all just demands upon the government, the claims embraced in this bill met with no favor in Congress beyond reports of committees in one or the other branch. These circumstances alone are calculated to raise strong doubts in respect to these claims; more especially as all the information necessary to a correct judgment concerning them has been long before the public. These doubts are strengthened in my mind by the examination I have been enabled to give to the transactions in which they originated.

The bill assumes that the United States have become liable, in these ancient transactions, to make reparation to the claimants for injuries committed by France. Nothing was obtained for the claimants by negotiation; and the bill assumes that the government has become responsible to them for the aggressions of France. I have not been able to satisfy myself of the correctness of this assumption, or that the government has become in any way responsible for these claims. The limited time allotted me before your adjournment precludes the possibility of reiterating the facts and arguments by which, in preceding congresses, these claims have been successfully resisted.

The present is a period peculiarly unfavorable for the satisfaction of claims of so large an amount, and, to say the least of them, of so doubtful a character. There is no surplus in the treasury. A public debt of several millions of dollars has been created within the last few years. We are engaged in a foreign war, uncertain in its duration and involving heavy expenditures, to prosecute which, Congress has at its present session authorized a further loan; so that in effect the government, should this bill become a law, borrows money and increases the public debt to pay these claims.

It is true, that by the provisions of the bill payment is directed to be made in land scrip instead of money; but the effect upon the treasury will be the same. The public lands constitute one of the sources of public revenue; and if these claims be paid in land scrip, it will from the date of its issue, to a great extent, cut off from the treasury the annual income from the sales of the public lands, because payments for lands sold by the government may be expected to be made in scrip until it is all redeemed. If these claims be just, they ought to be paid in money, and not in anything less valuable. The bill provides that they shall be paid in land scrip, whereby they are made in effect to be a mortgage upon the public lands in the new states; a mortgage, too, held in great part, if not wholly, by non

residents of the states in which the lands lie, who may secure these lands to the amount of several millions of acres, and then demand for them exorbitant prices from the citizens of the states who may desire to purchase them for settlement; or they may keep them out of the market, and thus retard the prosperity and growth of the states in which they are situated. Why this unusual mode of satisfying demands on the treasury has been resorted to, does not appear. It is not consistent with a sound public policy. If it be done in this case, it may be done in all others. It would form a precedent for the satisfaction of all other stale and questionable claims in the same manner, and would undoubtedly be resorted to by all claimants, who, after successive trials, shall fail to have their claims recognised and paid in money by Congress.

This bill proposes to appropriate five millions of dollars to be paid in land scrip, and provides that "no claim or memorial shall be received by the commissioners" authorized by the act, "unless accompanied by a release or discharge of the United States from all other and further compensation" than the claimant "may be entitled to receive under the provisions of this act." These claims are estimated to amount to a much larger sum than five millions of dollars, and yet the claimant is required to release to the government all other compensation, and to accept his share of a fund which is known to be inadequate. If the claims be well founded, it would be unjust to the claimants to repudiate any portion of them, and the payment of the remaining sum could not be hereafter resisted. This bill proposes to pay these claims, not in the currency known to the constitution, and not to their full amount.

Passed, as this bill has been, near the close of the session, and when many measures of importance necessarily claim the attention of Congress, and possibly without that full and deliberate consideration which the large sum it appropriates and the existing condition of the treasury and of the country demand, I deem it to be my duty to withhold my approval, that it may hereafter undergo the revision of Congress. I have come to this conclusion with regret. In interposing my objections to its becoming a law, I am fully sensible that it should be an extreme case which would make it the duty of the executive to withhold his approval of any bill passed by Congress upon the ground of its inexpediency alone. Such a case I consider this to be.

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## SECOND ANNUAL MESSAGE.

DECEMBER 8, 1846.

*Fellow-Citizens of the Senate and of the House of Representatives:—*

In resuming your labors in the service of the people, it is a subject of congratulation that there has been no period in our past history, when all the elements of national prosperity have been so fully developed. Since your last session, no afflicting dispensation has visited our country: general good health has prevailed; abundance has crowned the toil of the husbandman; and labor in all its branches is receiving an ample reward, while education, science, and the arts, are rapidly enlarging the means of social happiness. The progress of our country in her career of greatness,

not only in the vast extension of our territorial limits and the rapid increase of our population, but in resources and wealth, and in the happy condition of our people, is without an example in the history of nations.

As the wisdom, strength, and beneficence of our free institutions are unfolded, every day adds fresh motives to contentment, and fresh incentives to patriotism.

Our devout and sincere acknowledgments are due to the gracious Giver of all good, for the numberless blessings which our beloved country enjoys.

It is a source of high satisfaction to know that the relations of the United States with all other nations, with a single exception, are of the most amicable character. Sincerely attached to the policy of peace, early adopted and steadily pursued by this government, I have anxiously desired to cultivate and cherish friendship and commerce with every foreign power. The spirit and habits of the American people are favorable to the maintenance of such international harmony. In adhering to this wise policy, a preliminary and paramount duty obviously consists in the protection of our national interests from encroachment or sacrifice, and our national honor from reproach. These must be maintained at any hazard. They admit of no compromise or neglect, and must be scrupulously and constantly guarded. In their vigilant vindication, collision and conflict with foreign powers may sometimes become unavoidable. Such has been our scrupulous adherence to the dictates of justice, in all our foreign intercourse, that, though steadily and rapidly advancing in prosperity and power, we have given no just cause of complaint to any nation, and have enjoyed the blessings of peace for more than thirty years. From a policy so sacred to humanity, and so salutary in its effects upon our political system, we should never be induced voluntarily to depart.

The existing war with Mexico, was neither desired nor provoked by the United States. On the contrary, all honorable means were resorted to to avert it. After years of endurance of aggravated and unredressed wrongs on our part, Mexico, in violation of solemn treaty stipulations, and of every principle of justice recognised by civilized nations, commenced hostilities, and thus, by her own act, forced the war upon us. Long before the advance of our army to the left bank of the Rio Grande, we had ample cause of war against Mexico; and had the United States resorted to this extremity, we might have appealed to the whole civilized world for the justice of our cause.

I deem it to be my duty to present to you, on the present occasion, a condensed review of the injuries we had sustained, of the causes which led to the war, and of its progress since its commencement. This is rendered the more necessary because of the misapprehensions which have to some extent prevailed as to its origin and true character. The war has been represented as unjust and unnecessary, and as one of aggression on our part upon a weak and injured enemy. Such erroneous views, though entertained by but few, have been widely and extensively circulated not only at home, but have been spread throughout Mexico and the whole world. A more effectual means could not have been devised to encourage the enemy and protract the war than to advocate and adhere to their cause, and thus give them "aid and comfort."

It is a source of national pride and exultation, that the great body of our people have thrown no such obstacles in the way of the government in prosecuting the war successfully, but have shown themselves to be eminently patriotic, and ready to vindicate their country's honor and interests

at any sacrifice. The alacrity and promptness with which our volunteer forces rushed to the field on their country's call, prove not only their patriotism, but their deep conviction that our cause is just.

The wrongs which we have suffered from Mexico almost ever since she became an independent power, and the patient endurance with which we have borne them, are without a parallel in the history of modern civilized nations. There is reason to believe that if these wrongs had been resented and resisted in the first instance, the present war might have been avoided. One outrage, however, permitted to pass with impunity, almost necessarily encouraged the perpetration of another, until at last Mexico seemed to attribute to weakness and indecision on our part a forbearance which was the offspring of magnanimity, and of a sincere desire to preserve friendly relations with a sister-republic.

Scarcely had Mexico achieved her independence, which the United States were the first among the nations to acknowledge, when she commenced the system of insult and spoliation, which she has ever since pursued. Our citizens engaged in lawful commerce were imprisoned, their vessels seized, and our flag insulted in her ports. If money was wanted, the lawless seizure and confiscation of our merchant-vessels and their cargoes was a ready resource; and if to accomplish their purposes it became necessary to imprison the owners, captains, and crews, it was done. Rulers superseded rulers in Mexico in rapid succession, but still there was no change in this system of depredation. The government of the United States made repeated reclamations on behalf of its citizens, but these were answered by the perpetration of new outrages. Promises of redress made by Mexico in the most solemn forms were postponed or evaded. The files and records of the department of state contain conclusive proofs of numerous lawless acts perpetrated upon the property and persons of our citizens by Mexico, and of wanton insults to our national flag. The interposition of our government to obtain redress was again and again invoked, under circumstances which no nation ought to disregard.

It was hoped that these outrages would cease, and that Mexico would be restrained by the laws which regulate the conduct of civilized nations in their intercourse with each other after the treaty of amity, commerce, and navigation, of the fifth of April, 1831, was concluded between the two republics; but this hope soon proved to be vain. The course of seizure and confiscation of the property of our citizens, the violation of their persons, and the insults to our flag, pursued by Mexico previous to that time, were scarcely suspended for even a brief period, although the treaty so clearly defines the rights and duties of the respective parties that it is impossible to misunderstand or mistake them. In less than seven years after the conclusion of that treaty our grievances had become so intolerable that in the opinion of President Jackson, they should no longer be endured. In his message to Congress in February, 1837, he presented them to the consideration of that body, and declared that "The length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this government and people, by the late extraordinary Mexican minister, would justify in the eyes of all nations immediate war." In a spirit of kindness and forbearance, however, he recommended reprisals as a milder mode of redress. He declared that war should not be used as a remedy "by just and gen-



erous nations, confiding in their strength, for injuries committed, if it can be honorably avoided" and added, "it has occurred to me that, considering the present embarrassed condition of that country, we should act with both wisdom and moderation, by giving to Mexico one more opportunity to atone for the past, before we take redress into our own hands. To avoid all misconception on the part of Mexico, as well as to protect our own national character from reproach, this opportunity should be given with the avowed design and full preparation to take immediate satisfaction, if it should not be obtained on a repetition of the demand for it. To this end I recommend that an act be passed authorizing reprisals, and the use of the naval force of the United States, by the executive, against Mexico, to enforce them, in the event of a refusal by the Mexican government, to come to an amicable adjustment of the matters in controversy between us, upon another demand thereof, made from on board one of our vessels-of-war on the coast of Mexico."

Committees of both houses of Congress, to which this message of the president was referred, fully sustained his views of the character of the wrongs which we had suffered from Mexico, and recommended that another demand for redress should be made before authorizing war or reprisals. The committee on foreign relations of the senate, in their report, say: "After such a demand, should prompt justice be refused by the Mexican government, we may appeal to all nations, not only for the equity and moderation with which we shall have acted toward a sister-republic, but for the necessity which will then compel us to seek redress for our wrongs, either by actual war or by reprisals. The subject will then be presented before Congress, at the commencement of the next session, in a clear and distinct form, and the committee can not doubt but that such measures will be immediately adopted as may be necessary to vindicate the honor of the country, and insure ample reparation to our injured citizens."

The committee on foreign affairs of the house of representatives made a similar recommendation. In their report they say that they "fully concur with the president that ample cause exists for taking redress into our own hands, and believe that we should be justified in the opinion of other nations for taking such a step. But they are willing to try the experiment of another demand, made in the most solemn form, upon the justice of the Mexican government, before any further proceedings are adopted."

No difference of opinion upon the subject is believed to have existed in Congress at that time; the executive and legislative departments concurred; and yet such has been our forbearance, and desire to preserve peace with Mexico, that the wrongs of which we then complained, and which gave rise to these solemn proceedings, not only remain unredressed to this day, but additional causes of complaint, of an aggravated character, have ever since been accumulating.

Shortly after these proceedings, a special messenger was despatched to Mexico, to make a final demand for redress; and on the twentieth of July, 1837, the demand was made. The reply of the Mexican government bears date on the twenty-ninth of the same month, and contains assurances of the "anxious wish" of the Mexican government "not to delay the moment of that final and equitable adjustment which is to terminate the existing difficulties between the two governments;" that "nothing should be left undone which may contribute to the most speedy and equitable determination of the subjects which have so seriously engaged the attention of the

American government ;" that the " Mexican government would adopt, as the only guides for its conduct, the plainest principles of public right, the sacred obligations imposed by international law, and the religious faith of treaties ;" and that " whatever reason and justice may dictate respecting each case will be done." The assurance was further given, that the decision of the Mexican government upon each cause of complaint, for which redress had been demanded, should be communicated to the government of the United States by the Mexican minister at Washington.

These solemn assurances, in answer to our demand for redress, were disregarded. By making them, however, Mexico obtained further delay. President Van Buren, in his annual message to Congress of the fifth of December, 1837, states, that " although the larger number" of our demands for redress, and " many of them aggravated cases of personal wrongs, have been now for years before the Mexican government, and some of the causes of national complaint, and those of the most offensive character, admitted of immediate, simple, and satisfactory replies, it is only within a few days past that any specific communication in answer to our last demand, made five months ago, has been received from the Mexican minister ;" and that " for not one of our public complaints has satisfaction been given or offered ; that but one of the cases of personal wrong has been favorably considered, and that but four cases of both descriptions, out of all those formally presented, and earnestly pressed, have, as yet, been decided upon by the Mexican government." President Van Buren, believing that it would be vain to make any further attempt to obtain redress by the ordinary means within the power of the executive, communicated this opinion to Congress, in the message referred to, in which he said, " on a careful and deliberate examination of the contents," (of the correspondence with the Mexican government,) " and considering the spirit manifested by the Mexican government, it has become my painful duty to return the subject as it now stands, to Congress, to whom it belongs, to decide upon the time, the mode, and the measure of redress." Had the United States at that time adopted compulsory measures, and taken redress into their own hands, all our difficulties with Mexico would probably have been long since adjusted, and the existing war have been averted. Magnanimity and moderation on our part only had the effect to complicate these difficulties, and render an amicable settlement of them the more embarrassing. That such measures of redress under similar provocations, committed by any of the powerful nations of Europe, would have been promptly resorted to by the United States, can not be doubted. The national honor, and the preservation of the national character throughout the world, as well as our own self-respect, and the protection due to our own citizens, would have rendered such a resort indispensable. The history of no civilized nation in modern times has presented within so brief a period so many wanton attacks upon the honor of its flag, and upon the property and persons of its citizens as had at that time been borne by the United States from the Mexican authorities and people. But Mexico was a sister-republic, on the North American continent, occupying a territory contiguous to our own, and was in a feeble and distracted condition ; and these considerations, it is presumed, induced Congress to forbear still longer.

Instead of taking redress into our own hands, a new negotiation was entered upon with fair promises on the part of Mexico, but with the real purpose, as the event has proved, of indefinitely postponing the reparation

which we demanded, and which was so justly due. This negotiation, after more than a year's delay, resulted in the convention of the 11th of April, 1839, "for the adjustment of claims of citizens of the United States of America, upon the government of the Mexican republic." The joint board of commissioners created by this convention to examine and decide upon these claims was not organized until the month of August, 1840, and under the terms of the convention they were to terminate their duties within eighteen months from that time. Four of the eighteen months were consumed in preliminary discussions on frivolous and dilatory points raised by the Mexican commissioners, and it was not until the month of December, 1840, that they commenced the examination of the claims of our citizens upon Mexico. Fourteen months only remained to examine and decide upon these numerous and complicated cases. In the month of February, 1842, the term of the commission expired, leaving many claims undisposed of for want of time. The claims which were allowed by the board, and by the umpire authorized by the convention to decide in case of disagreement between the Mexican and American commissioners, amounted to two millions, twenty-six thousand one hundred and thirty-nine dollars and sixty-eight cents. There were pending before the umpire when the commission expired additional claims which had been examined and awarded by the American commissioners, and had not been allowed by the Mexican commissioners, amounting to nine hundred and twenty-eight thousand six hundred and twenty-seven dollars and eighty-eight cents, upon which he did not decide, alleging that his authority had ceased with the termination of the joint commission. Besides these claims, there were others of American citizens amounting to three millions, three hundred and thirty-six thousand eight hundred and thirty-seven dollars and five cents, which had been submitted to the board, and upon which they had not time to decide before their final adjournment.

The sum of two millions, twenty-six thousand one hundred and thirty-nine dollars and sixty-eight cents, which had been awarded to the claimants, was a liquidated and ascertained debt due by Mexico, about which there could be no dispute, and which she was bound to pay according to the terms of the convention. Soon after the final awards for this amount had been made, the Mexican government asked for a postponement of the time of making payment, alleging that it would be inconvenient to make the payment at the time stipulated. In the spirit of forbearing kindness toward a sister-republic, which Mexico has so long abused, the United States promptly complied with her request. A second convention was accordingly concluded between the two governments on the thirtieth of January, 1843, which upon its face declares, that "this new arrangement is entered into for the accommodation of Mexico." By the terms of this convention, all the interest due on the awards which had been made in favor of the claimants under the convention of the eleventh of April, 1839, was to be paid to them on the thirtieth of April, 1843, and "the principal of the said awards, and the interest accruing thereon," was stipulated to "be paid in five years, in equal instalments every three months." Notwithstanding this new convention was entered into at the request of Mexico, and for the purpose of relieving her from embarrassment, the claimants have only received the interest due on the thirtieth of April, 1843, and three of the twenty instalments. Although the payment of the sum thus liquidated, and confessedly due by Mexico to our citizens as indemnity for acknowledged acts of outrage and wrong, was secured by treaty, the obli-

gations of which are ever held sacred by all just nations, yet Mexico has violated this solemn engagement by failing and refusing to make the payment. The two instalments due in April and July, 1844, under the peculiar circumstances connected with them, have been assumed by the United States and discharged to the claimants, but they are still due by Mexico. But this is not all of which we have just cause of complaint. To provide a remedy for the claimants whose cases were not decided by the joint commission under the convention of April the eleventh, 1839, it was expressly stipulated by the sixth article of the convention of the thirtieth of January, 1843, that "a new convention shall be entered into for the settlement of all claims of the government and citizens of the United States against the republic of Mexico which were not finally decided by the late commission, which met in the city of Washington, and of all claims of the government and citizens of Mexico against the United States."

In conformity with this stipulation, a third convention was concluded and signed at the city of Mexico on the twentieth of November, 1843, by the plenipotentiaries of the two governments, by which provision was made for ascertaining and paying these claims. In January, 1844, this convention was ratified by the senate of the United States, with two amendments, which were manifestly reasonable in their character. Upon a reference of the amendments proposed to the government of Mexico, the same evasions, difficulties, and delays, were interposed which have so long marked the policy of that government toward the United States. It has not even yet decided whether it would or would not accede to them, although the subject has been repeatedly pressed upon its consideration.

Mexico has thus violated a second time the faith of treaties, by failing or refusing to carry into effect the sixth article of the convention of January, 1843.

Such is the history of the wrongs which we have suffered and patiently endured from Mexico, through a long series of years. So far from affording reasonable satisfaction for the injuries and insults we had borne, a great aggravation of them consists in the fact, that while the United States, anxious to preserve a good understanding with Mexico, have been constantly, but vainly, employed in seeking redress for past wrongs, new outrages were constantly occurring, which have continued to increase our causes of complaint and to swell the amount of our demands. While the citizens of the United States were conducting a lawful commerce with Mexico, under the guaranty of a treaty of "amity, commerce, and navigation," many of them have suffered all the injuries which would have resulted from open war. This treaty, instead of affording protection to our citizens, has been the means of inviting them into the ports of Mexico, that they might be, as they have been in numerous instances, plundered of their property, and deprived of their personal liberty, if they dared insist on their rights. Had the unlawful seizures of American property, and the violation of the personal liberty of our citizens, to say nothing of the insults to our flag which have occurred in the ports of Mexico, taken place on the high seas, they would themselves long since have constituted a state of actual war between the two countries. In so long suffering Mexico to violate her most solemn treaty obligations, plunder our citizens of their property, and imprison their persons without affording them any redress, we have failed to perform one of the first and highest duties which every government owes to its citizens; and the consequence has been, that many of them have been reduced from a state of affluence to bankruptcy. The

proud name of American citizen, which ought to protect all who bear it from insult and injury throughout the world, has afforded no such protection to our citizens in Mexico. We had ample cause of war against Mexico long before the breaking out of hostilities. But even then we forbore to take redress into our own hands, until Mexico herself became the aggressor by invading our soil in hostile array, and shedding the blood of our citizens.

Such are the grave causes of complaint on the part of the United States against Mexico—causes which existed long before the annexation of Texas to the American Union; and yet, animated by the love of peace, and a magnanimous moderation, we did not adopt those measures of redress which, under such circumstances, are the justified resort of injured nations.

The annexation of Texas to the United States, constituted no just cause of offence to Mexico. The pretext that it did so is wholly inconsistent, and irreconcilable with well-authenticated facts connected with the revolution by which Texas became independent of Mexico. That this may be the more manifest, it may be proper to advert to the causes and to the history of the principal events of that revolution.

Texas constituted a portion of the ancient province of Louisiana, ceded to the United States by France in the year 1803. In the year 1819, the United States, by the Florida treaty, ceded to Spain all that part of Louisiana within the present limits of Texas; and Mexico, by the revolution which separated her from Spain, and rendered her an independent nation, succeeded to the rights of the mother-country over this territory. In the year 1824, Mexico established a federal constitution, under which the Mexican republic was composed of a number of sovereign states, confederated together in a federal Union similar to our own. Each of these states had its own executive, legislature, and judiciary, and, for all except federal purposes, was as independent of the general government, and that of the other states, as is Pennsylvania or Virginia, under our constitution. Texas and Coahuila united and formed one of these Mexican states. The state constitution which they adopted, and which was approved by the Mexican confederacy, asserted that they were "free and independent of the other Mexican United States, and of every other power and dominion whatsoever;" and proclaimed the great principles of human liberty, that "the sovereignty of the state resides originally and essentially, in the general mass of the individuals who compose it." To the government under this constitution, as well as to that under the federal constitution, the people of Texas owed allegiance.

Emigrants from foreign countries, including the United States, were invited by the colonization laws of the state and of the federal government, to settle in Texas. Advantageous terms were offered to induce them to leave their own country and become Mexican citizens. This invitation was accepted by many of our citizens, in the full faith that in their new home they would be governed by laws enacted by representatives elected by themselves, and that their lives, liberty, and property, would be protected by constitutional guaranties similar to those which existed in the republic they had left. Under a government thus organized they continued until the year 1835, when a military revolution broke out in the city of Mexico, which entirely subverted the federal and state constitutions, and placed a military dictator at the head of the government.

By a sweeping decree of a Congress subservient to the will of the dictator, the several state constitutions were abolished, and the states them-

selves converted into mere departments of the central government. The people of Texas were unwilling to submit to this usurpation. Resistance to such tyranny became a high duty. Texas was fully absolved from all allegiance to the central government of Mexico from the moment that government had abolished her state constitution, and in its place substituted an arbitrary and despotic central government.

Such were the principal causes of the Texan revolution. The people of Texas at once determined upon resistance, and flew to arms. In the midst of these important and exciting events, however, they did not omit to place their liberties upon a secure and permanent foundation. They elected members to a convention, who, in the month of March, 1836, issued a formal declaration that their "political connexion with the Mexican nation has for ever ended, and that the people of Texas do now constitute a FREE, SOVEREIGN, and INDEPENDENT REPUBLIC, and are fully invested with all the rights and attributes which properly belong to independent nations." They also adopted for their government a liberal republican constitution. About the same time, Santa Anna, then the dictator of Mexico, invaded Texas with a numerous army for the purpose of subduing her people, and enforcing obedience to his arbitrary and despotic government. On the twenty-first of April, 1836, he was met by the Texan citizen-soldiers, and on that day was achieved by them the memorable victory of San Jacinto, by which they conquered their independence. Considering the numbers engaged on the respective sides, history does not record a more brilliant achievement. Santa Anna himself was among the captives.

In the month of May, 1836, Santa Anna acknowledged, by a treaty with the Texan authorities, in the most solemn form, "the full, entire, and perfect independence of the republic of Texas." It is true he was then a prisoner-of-war, but it is equally true that he had failed to reconquer Texas, and had met with signal defeat; that his authority had not been revoked, and that by virtue of this treaty he obtained his personal release. By it hostilities were suspended, and the army which had invaded Texas under his command returned in pursuance of this arrangement, unmolested, to Mexico.

From the day that the battle of San Jacinto was fought until the present hour, Mexico has never possessed the power to reconquer Texas. In the language of the secretary of state of the United States, in a despatch to our minister in Mexico, under date of the eighth of July, 1842, "Mexico may have chosen to consider, and may still choose to consider, Texas as having been at all times since 1835, and as still continuing, a rebellious province; but the world has been obliged to take a very different view of the matter. From the time of the battle of San Jacinto, in April, 1836, to the present moment, Texas has exhibited the same external signs of national independence as Mexico herself, and with quite as much stability of government. Practically free and independent, acknowledged as a political sovereignty by the principal powers of the world, no hostile foot finding rest within her territory for six or seven years, and Mexico herself refraining for all that period from any further attempt to re-establish her own authority over that territory, it can not but be surprising to find Mr. de Bocanegra" (the secretary of foreign affairs of Mexico) "complaining that for that whole period citizens of the United States, or its government, have been favoring the rebels of Texas, and supplying them with vessels, ammunition, and money, as if the war for the reduction of the province of

Texas had been constantly prosecuted by Mexico, and her success prevented by these influences from abroad." In the same despatch the secretary of state affirms, that "since 1837 the United States have regarded Texas as an independent sovereignty, as much as Mexico; and that trade and commerce with citizens of a government at war with Mexico can not, on that account, be regarded as an intercourse by which assistance and succor are given to Mexican rebels. The whole current of Mr. de Bocanegra's remarks runs in the same direction, as if the independence of Texas had not been acknowledged. It has been acknowledged—it was acknowledged in 1837, against the remonstrance and protest of Mexico; and most of the acts of any importance, of which Mr. de Bocanegra complains, flow necessarily from that recognition. He speaks of Texas as still being 'an integral part of the territory of the Mexican republic,' but he can not but understand that the United States do not so regard it. The real complaint of Mexico, therefore, is, in substance, neither more nor less than a complaint against the recognition of Texan independence. It may be thought rather late to repeat that complaint, and not quite just to confine it to the United States, to the exemption of England, France, and Belgium, unless the United States, having been the first to acknowledge the independence of Mexico herself, are to be blamed for setting an example for the recognition of that of Texas." And he added, that "the constitution, public treaties, and the laws, oblige the president to regard Texas as an independent state, and its territory as no part of the territory of Mexico." Texas had been an independent state, with an organized government, defying the power of Mexico to overthrow or reconquer her, for more than ten years before Mexico commenced the present war against the United States. Texas had given such evidence to the world of her ability to maintain her separate existence as an independent nation, that she had been formally recognised as such, not only by the United States, but by several of the principal powers of Europe. These powers had entered into treaties of amity, commerce, and navigation, with her. They had received and accredited her ministers and other diplomatic agents at their respective courts, and they had commissioned ministers and diplomatic agents, on their part, to the government of Texas.

If Mexico, notwithstanding all this, and her utter inability to subdue or reconquer Texas, still stubbornly refused to recognise her as an independent nation, she was none the less so on that account. Mexico herself had been recognised as an independent nation by the United States, and by other powers, many years before Spain, of which, before her revolution, she had been a colony, would agree to recognise her as such; and yet Mexico was at that time, in the estimation of the civilized world, and in fact, none the less an independent power because Spain still claimed her as a colony. If Spain had continued until the present period to assert that Mexico was one of her colonies, in rebellion against her, this would not have made her so, or changed the fact of her independent existence. Texas, at the period of her annexation to the United States, bore the same relation to Mexico that Mexico had borne to Spain for many years before Spain acknowledged her independence, with this important difference—that, before the annexation of Texas to the United States was consummated, Mexico herself, by a formal act of her government, had acknowledged the independence of Texas as a nation. It is true, that in the act of recognition she prescribed a condition, which she had no power or authority to impose, that Texas should not annex herself to any other power; but

this could not detract in any degree from the recognition which Mexico then made of her actual independence. Upon this plain statement of facts, it is absurd for Mexico to allege, as a pretext for commencing hostilities against the United States, that Texas is still a part of her territory.

But there are those who, conceding all this to be true, assume the ground that the true western boundary of Texas is the Nueces, instead of the Rio Grande; and that, therefore, in marching our army to the east bank of the latter river, we passed the Texan line, and invaded the territory of Mexico. A simple statement of facts, known to exist, will conclusively refute such an assumption. Texas, as ceded to the United States by France in 1803, has been always claimed as extending west to the Rio Grande, or Rio Bravo. This fact is established by the authority of our most eminent statesmen at a period when the question was as well if not better understood than it is at present. During Mr. Jefferson's administration, Messrs. Monroe and Pinckney, who had been sent on a special mission to Madrid, charged, among other things, with the adjustment of boundary between the two countries, in a note addressed to the Spanish minister of foreign affairs, under date of the twenty-eighth of January, 1805, assert that the boundaries of Louisiana, as ceded to the United States by France, "are the river Perdido on the east, and the river Bravo on the west;" and they add, that "the facts and principles which justify this conclusion are so satisfactory to our government as to convince it that the United States have not a better right to the island of New Orleans, under the cession referred to, than they have to the whole district of territory which is above described."

Down to the conclusion of the Florida treaty, in February, 1819, by which this territory was ceded to Spain, the United States asserted and maintained their territorial rights to this extent. In the month of June, 1818, during Mr. Monroe's administration, information having been received that a number of foreign adventurers had landed at Galveston, with the avowed purpose of forming a settlement in that vicinity, a special messenger was despatched by the government of the United States, with instructions from the secretary of state to warn them to desist, should they be found there "or any other place north of the Rio Bravo, and within the territory claimed by the United States." He was instructed, should they be found in the country north of that river, to make known to them "the surprise with which the president has seen possession thus taken, without authority from the United States, of a place within their territorial limits, and upon which no lawful settlement can be made without their sanction." He was instructed to call upon them to "avow under what national authority they profess to act," and to give them due warning "that the place is within the United States, who will suffer no permanent settlement to be made there, under any authority other than their own." As late as the eighth of July, 1842, the secretary of state of the United States, in a note addressed to our minister in Mexico, maintains that, by the Florida treaty of 1819, the territory as far west as the Rio Grande was confirmed to Spain. In that note he states that, "by the treaty of the twenty-second of February, 1819, between the United States and Spain, the Sabine was adopted as the line of boundary between the two powers. Up to that period, no considerable colonization had been effected in Texas; but the territory between the Sabine and the Rio Grande being confirmed to Spain by the treaty, applications were made to that power for grants of land; and such grants, or permissions of settlement, were in



fact made by the Spanish authorities in favor of citizens of the United States proposing to emigrate to Texas in numerous families, before the declaration of independence by Mexico."

The Texas which was ceded to Spain by the Florida treaty of 1819, embraced all the country now claimed by the state of Texas between the Nueces and the Rio Grande. The republic of Texas always claimed this river as her western boundary, and in her treaty made with Santa Anna in May, 1836, he recognised it as such. By the constitution which Texas adopted in March, 1836, senatorial and representative districts were organized extending west of the Nueces. The Congress of Texas, on the nineteenth of December, 1836, passed "An act to define the boundaries of the republic of Texas," in which they declared the Rio Grande from its mouth to its source to be their boundary, and by the said act they extended their "civil and political jurisdiction" over the country up to that boundary. During a period of more than nine years, which intervened between the adoption of her constitution and her annexation as one of the states of our Union, Texas asserted and exercised many acts of sovereignty and jurisdiction over the territory and inhabitants west of the Nueces. She organized and defined the limits of counties extending to the Rio Grande. She established courts of justice and extended her judicial system over the territory. She established a customhouse and collected duties, and also postoffices and postroads, in it. She established a land office, and issued numerous grants for land, within its limits. A senator and a representative residing in it were elected to the Congress of the republic, and served as such before the act of annexation took place. In both the Congress and convention of Texas, which gave their assent to the terms of annexation to the United States, proposed by our Congress, were representatives residing west of the Nueces, who took part in the act of annexation itself. This was the Texas which, by the act of our Congress of the twenty-ninth of December, 1845, was admitted as one of the states of our Union. That the Congress of the United States understood the state of Texas which they admitted into the Union to extend beyond the Nueces, is apparent from the fact, that on the thirty-first of December, 1845, only two days after the act of admission, they passed a law "to establish a collection district in the state of Texas," by which they created a port of delivery at Corpus Christi, situated west of the Nueces, and being the same point at which the Texas customhouse, under the laws of that republic, had been located, and directed that a surveyor to collect the revenue should be appointed for that port by the president, by and with the advice and consent of the senate. A surveyor was accordingly nominated, and confirmed by the senate, and has been ever since in the performance of his duties. All these acts of the republic of Texas, and of our Congress, preceded the orders for the advance of our army to the east bank of the Rio Grande. Subsequently, Congress passed an act, "establishing certain post-routes," extending west of the Nueces. The country west of that river now constitutes a part of one of the congressional districts of Texas, and is represented in the house of representatives. The senators from that state were chosen by a legislature in which the country west of that river was represented. In view of all these facts, it is difficult to conceive upon what ground it can be maintained that, in occupying the country west of the Nueces with our army, with a view solely to its security and defence, we invaded the territory of Mexico. But it would have been still more difficult to justify the executive, whose duty it is to see that the laws

be faithfully executed, if in the face of all these proceedings, both of the Congress of Texas and of the United States, he had assumed the responsibility of yielding up the territory west of the Nueces to Mexico, or of refusing to protect and defend this territory and its inhabitants, including Corpus Christi, as well as the remainder of Texas, against the threatened Mexican invasion.

But Mexico herself has never placed the war which she has waged upon the ground that our army occupied the intermediate territory between the Nueces and the Rio Grande. Her refuted pretension that Texas was not in fact an independent state, but a rebellious province, was obstinately persevered in; and her avowed purpose in commencing a war with the United States was to reconquer Texas, and to restore Mexican authority over the whole territory—not to the Nueces only, but to the Sabine. In view of the proclaimed menaces of Mexico to this effect, I deemed it my duty, as a measure of precaution and defence, to order our army to occupy a position on our frontier as a military post, from which our troops could best resist and repel any attempted invasion which Mexico might make.

Our army had occupied a position at Corpus Christi, west of the Nueces, as early as August, 1845, without complaint from any quarter. Had the Nueces been regarded as the true western boundary of Texas, that boundary had been passed by our army many months before it advanced to the eastern bank of the Rio Grande. In my annual message of December last I informed Congress, that upon the invitation of both the Congress and convention of Texas, I had deemed it proper to order a strong squadron to the coast of Mexico, and to concentrate an efficient military force on the western frontier of Texas, to protect and defend the inhabitants against the menaced invasion of Mexico. In that message I informed Congress that the moment the terms of annexation offered by the United States were accepted by Texas, the latter became so far a part of our own country as to make it our duty to afford such protection and defence; and that for that purpose our squadron had been ordered to the gulf, and our army to "take a position between the Nueces and the Del Norte," or Rio Grande, and "to repel any invasion of the Texan territory which might be attempted by the Mexican forces."

It was deemed proper to issue this order, because, soon after the president of Texas, in April, 1845, had issued his proclamation convening the Congress of that republic, for the purpose of submitting to that body the terms of annexation proposed by the United States, the government of Mexico made serious threats of invading the Texan territory. These threats became more imposing as it became more apparent, in the progress of the question, that the people of Texas would decide in favor of accepting the terms of annexation; and, finally, they had assumed such a formidable character as induced both the Congress and convention of Texas to request that a military force should be sent by the United States into her territory for the purpose of protecting and defending her against the threatened invasion. It would have been a violation of good faith toward the people of Texas, to have refused to afford the aid which they desired against a threatened invasion, to which they had been exposed by their free determination to annex themselves to our Union, in compliance with the overture made to them by the joint resolution of our Congress.

Accordingly, a portion of the army was ordered to advance into Texas. Corpus Christi was the position selected by General Taylor. He encamped at that place, in August, 1845, and the army remained in that position until

the eleventh of March, 1846, when it moved westward, and on the twenty-eighth of that month, reached the east bank of the Rio Grande, opposite to Matamoras. This movement was made in pursuance of orders from the war department, issued on the thirteenth of January, 1846. Before these orders were issued, the despatch of our minister in Mexico, transmitting the decision of the council of government of Mexico, advising that he should not be received, and also the despatch of our consul residing in the city of Mexico, the former bearing date on the seventeenth, and the latter on the eighteenth of December, 1845, copies of both of which accompanied my message to Congress of the eleventh of May last—were received at the department of state. These communications rendered it highly probable, if not absolutely certain, that our minister would not be received by the government of General Herrera. It was also well known that but little hope could be entertained of a different result from General Paredes in case the revolutionary movement which he was prosecuting should prove successful, as was highly probable. The partisans of Paredes, as our minister, in the despatch referred to, states, breathed the fiercest hostility against the United States, denounced the proposed negotiation as treason, and openly called upon the troops and the people to put down the government of Herrera by force. The reconquest of Texas, and war with the United States, were openly threatened. These were the circumstances existing, when it was deemed proper to order the army under the command of General Taylor to advance to the western frontier of Texas, and occupy a position on or near the Rio Grande.

The apprehensions of a contemplated Mexican invasion have been since fully justified by the event. The determination of Mexico to rush into hostilities with the United States was afterward manifested from the whole tenor of the note of the Mexican minister of foreign affairs to our minister, bearing date on the twelfth of March, 1846. Paredes had then revolutionized the government, and his minister, after referring to the resolution for the annexation of Texas, which had been adopted by our Congress in March, 1845, proceeds to declare that "a fact such as this, or, to speak with greater exactness, so notable an act of usurpation, created an imperious necessity that Mexico, for her own honor, should repel it with proper firmness and dignity. The supreme government had beforehand declared that it would look upon such an act as a *casus belli*; and, as a consequence of this declaration, negotiation was, by its very nature, at an end, and war was the only recourse of the Mexican government."

It appears, also, that on the fourth of April following, General Paredes, through his minister of war, issued orders to the Mexican general in command on the Texan frontier to "attack" our army "by every means which war permits." To this General Paredes had been pledged to the army and people of Mexico during the military revolution which had brought him into power. On the eighteenth of April, 1846, General Paredes addressed a letter to the commander on that frontier, in which he stated to him, "at the present date I suppose you at the head of that valiant army, either fighting already, or preparing for the operations of a campaign;" and "supposing you already on the theatre of operations, and with all the forces assembled, it is indispensable that hostilities be commenced, yourself taking the initiative against the enemy."

The movement of our army to the Rio Grande was made by the commanding general under positive orders to abstain from all aggressive acts toward Mexico, or Mexican citizens, and to regard the relations between

he two countries as peaceful, unless Mexico should declare war, or commit acts of hostility indicative of a state of war; and these orders he faithfully executed. While occupying his position on the east bank of the Rio Grande, within the limits of Texas, then recently admitted as one of the states of our Union, the commanding general of the Mexican forces, who, in pursuance of the orders of his government, had collected a large army on the opposite shore of the Rio Grande, crossed the river, invaded our territory, and commenced hostilities by attacking our forces.

Thus, after all the injuries which we had received and borne from Mexico, and after she had insultingly rejected a minister sent to her on a mission of peace, and whom she had solemnly agreed to receive, she consummated her long course of outrage against our country by commencing an offensive war and shedding the blood of our citizens on our own soil.

The United States never attempted to acquire Texas by conquest. On the contrary, at an early period after the people of Texas had achieved their independence, they sought to be annexed to the United States. At a general election in September, 1836, they decided with great unanimity in favor of "annexation;" and in November following, the Congress of the republic authorized the appointment of a minister, to bear their request to this government. This government, however, having remained neutral between Texas and Mexico during the war between them, and considering it due to the honor of our country, and our fair fame among the nations of the earth, that we should not at this early period consent to annexation, nor until it should be manifest to the whole world that the reconquest of Texas by Mexico was impossible, refused to accede to the overtures made by Texas. On the twelfth of April, 1844, and after more than seven years had elapsed since Texas had established her independence, a treaty was concluded for the annexation of that republic to the United States, which was rejected by the senate. Finally, on the first of March, 1845, Congress passed a joint resolution for annexing her to the United States, upon certain preliminary conditions to which her assent was required. The solemnities which characterized the deliberations and conduct of the government and people of Texas, on the deeply interesting questions presented by these resolutions, are known to the world. The Congress, the executive, and the people of Texas, in a convention elected for that purpose, accepted with great unanimity the proposed terms of annexation; and thus consummated upon her part the great act of restoring to our federal Union a vast territory which had been ceded to Spain by the Florida treaty more than a quarter of a century before.

After the joint resolution for the annexation of Texas to the United States had been passed by our Congress, the Mexican minister at Washington addressed a note to the secretary of state, bearing date on the sixth of March, 1845, protesting against it as "an act of aggression, the most unjust which can be found recorded in the annals of modern history; namely, that of despoiling a friendly nation, like Mexico, of a considerable portion of her territory;" and protesting against the resolution of annexation, as being an act "whereby the province of Texas, an integral portion of the Mexican territory, is agreed and admitted into the American Union;" and he announced that, as a consequence, his mission to the United States had terminated, and demanded his passports, which were granted. It was upon the absurd pretext, made by Mexico (herself indebted for her independence to a successful revolution), that the republic of Texas still continued to be, notwithstanding all that had passed, a province of Mexico, that this step was taken by the Mexican minister.

Every honorable effort has been used by me to avoid the war which followed, but all have proved vain. All our attempts to preserve peace have been met by insult and resistance on the part of Mexico. My efforts to this end commenced in the note of the secretary of state of the tenth of March, 1845, in answer to that of the Mexican minister. While declining to reopen a discussion which had already been exhausted, and proving again what was known to the whole world, that Texas had long since achieved her independence, the secretary of state expressed the regret of this government that Mexico should have taken offence at the resolution of annexation passed by Congress, and gave assurance that our "most strenuous efforts shall be devoted to the amicable adjustment of every cause of complaint between the two governments, and to the cultivation of the kindest and most friendly relations between the sister-republics."

That I have acted in the spirit of this assurance, will appear from the events which have since occurred. Notwithstanding Mexico had abruptly terminated all diplomatic intercourse with the United States, and ought, therefore, to have been the first to ask for its resumption, yet, waiving all ceremony, I embraced the earliest favorable opportunity to "ascertain from the Mexican government whether they would receive an envoy from the United States, intrusted with full power to adjust all the questions in dispute between the two governments." In September, 1845, I believed the propitious moment for such an overture had arrived. Texas, by the enthusiastic and almost unanimous will of her people, had pronounced in favor of annexation. Mexico herself had agreed to acknowledge the independence of Texas, subject to a condition, it is true, which she had no right to impose and no power to enforce. The last lingering hope of Mexico, if she still could have retained any, that Texas would ever again become one of her provinces, must have been abandoned.

The consul of the United States at the city of Mexico, was, therefore, instructed by the secretary of state, on the fifteenth of September, 1845, to make the inquiry of the Mexican government. The inquiry was made, and on the fifteenth of October, 1845, the minister of foreign affairs of the Mexican government, in a note addressed to our consul, gave a favorable response, requesting, at the same time, that our naval force might be withdrawn from Vera Cruz while negotiations should be pending. Upon the receipt of this note, our naval force was promptly withdrawn from Vera Cruz. A minister was immediately appointed, and departed to Mexico. Everything bore a promising aspect for a speedy and peaceful adjustment of all our difficulties. At the date of my annual message to Congress, in December last, no doubt was entertained but that he would be received by the Mexican government, and the hope was cherished that all cause of misunderstanding between the two countries would be speedily removed. In the confident hope that such would be the result of his mission, I informed Congress that I forbore at that time to "recommend such ulterior measures of redress for the wrongs and injuries we had so long borne, as it would have been proper to make had no such negotiation been instituted." To my surprise and regret, the Mexican government though solemnly pledged to do so, upon the arrival of our minister in Mexico, refused to receive and accredit him. When he reached Vera Cruz, on the thirtieth of November, 1845, he found that the aspect of affairs had undergone an unhappy change. The government of General Herrera, who was at that time president of the republic, was tottering to its fall. General Paredes (a military leader), had manifested his determination to over-

throw the government of Herrera, by a military revolution ; and one of the principal means which he employed to effect his purpose, and render the government of Herrera odious to the army and people of Mexico, was by loudly condemning its determination to receive a minister of peace from the United States, alleging that it was the intention of Herrera, by a treaty with the United States, to dismember the territory of Mexico, by ceding away the department of Texas. The government of Herrera is believed to have been well disposed to a pacific adjustment of existing difficulties ; but, probably alarmed for its own security, and in order to ward off the danger of the revolution led by Paredes, violated its solemn agreement, and refused to receive or accredit our minister ; and this, although informed that he had been invested with full power to adjust all questions in dispute between the two governments. Among the frivolous pretexts for this refusal, the principal one was, that our minister had not gone upon a special mission, confined to the question of Texas alone, leaving all the outrages upon our flag and our citizens unredressed. The Mexican government well knew that both our national honor and the protection due to our citizens imperatively required that the two questions of boundary and indemnity should be treated of together, as naturally and inseparably blended, and they ought to have seen that this course was best calculated to enable the United States to extend to them the most liberal justice. On the thirtieth of December, 1845, General Herrera resigned the presidency, and yielded up the government to General Paredes without a struggle. Thus a revolution was accomplished solely by the army commanded by Paredes, and the supreme power in Mexico passed into the hands of a military usurper, who was known to be bitterly hostile to the United States.

Although the prospect of a pacific adjustment with the new government was unpromising, from the known hostility of its head to the United States, yet, determined that nothing should be left undone on our part to restore friendly relations between the two countries, our minister was instructed to present his credentials to the new government, and ask to be accredited by it in the diplomatic character in which he had been commissioned. These instructions he executed by his note of the first of March, 1846, addressed to the Mexican minister of foreign affairs ; but his request was insultingly refused by that minister, in his answer of the twelfth of the same month. No alternative remained for our minister but to demand his passports, and return to the United States.

Thus was the extraordinary spectacle presented to the civilized world of a government, in violation of its own express agreement, having twice rejected a minister of peace, invested with full powers to adjust all the existing differences between the two countries, in a manner just and honorable to both. I am not aware that modern history presents a parallel case, in which, in time of peace, one nation has refused even to hear propositions from another for terminating existing difficulties between them.

Scarcely a hope of adjusting our difficulties, even at a remote day, or of preserving peace with Mexico, could be cherished while Paredes remained at the head of the government. He had acquired the supreme power by a military revolution, and upon the most solemn pledges to wage war against the United States, and to reconquer Texas, which he claimed as a revolted province of Mexico. He had denounced as guilty of treason all those Mexicans who considered Texas as no longer constituting a part of the territory of Mexico, and who were friendly to the cause of peace. The duration of the war which he waged against the United States was indefinite, because

the end which he proposed, of the reconquest of Texas, was hopeless. Besides, there was good reason to believe, from all his conduct, that it was his intention to convert the republic of Mexico into a monarchy, and to call a foreign European prince to the throne. Preparatory to this end, he had during his short rule, destroyed the liberty of the press, tolerating that portion of it only which openly advocated the establishment of a monarchy. The better to secure the success of his ultimate designs, he had, by an arbitrary decree, convoked a Congress—not to be elected by the free voice of the people, but to be chosen in a manner to make them subservient to his will, and to give him absolute control over their deliberations.

Under all these circumstances, it was believed that any revolution in Mexico, founded upon opposition to the ambitious projects of Paredes, would tend to promote the cause of peace as well as prevent any attempted European interference in the affairs of the North American continent—both objects of deep interest to the United States. Any such foreign interference, if attempted, must have been resisted by the United States. My views upon that subject were fully communicated to Congress in my last annual message. In any event, it was certain that no change whatever in the government of Mexico which would deprive Paredes of power could be for the worse, so far as the United States were concerned, while it was highly probable that any change must be for the better.

This was the state of affairs existing when Congress, on the thirteenth of May last, recognised the existence of the war which had been commenced by the government of Paredes; and it became an object of much importance, with a view to a speedy settlement of our difficulties and the restoration of an honorable peace, that Paredes should not retain power in Mexico.

Before that time there were symptoms of a revolution in Mexico, favored, as it was understood to be, by the more liberal party, and especially by those who were opposed to foreign interference and to the monarchical form of government. Santa Anna was then in exile in Havana, having been expelled from power and banished from his country by a revolution which occurred in December, 1844; but it was known that he had still a considerable party in his favor in Mexico. It was also equally well known that no vigilance which could be exerted by our squadron would, in all probability, have prevented him from effecting a landing somewhere on the extensive gulf coast of Mexico, if he desired to return to his country. He had openly professed an entire change of policy; had expressed his regret that he had subverted the federal constitution of 1824, and avowed that he was now in favor of its restoration. He had publicly declared his hostility, in the strongest terms, to the establishment of a monarchy, and to European interference in the affairs of his country. Information to this effect had been received, from sources believed to be reliable, at the date of the recognition of the existence of the war by Congress, and was afterward fully confirmed by the receipt of the despatch of our consul in the city of Mexico, with the accompanying documents, which are herewith transmitted. Besides, it was reasonable to suppose that he must see the ruinous consequences to Mexico of a war with the United States, and that it would be his interest to favor peace.

It was under these circumstances and upon these considerations that it was deemed expedient not to obstruct his return to Mexico, should he attempt to do so. Our object was the restoration of peace; and, with that view, no reason was perceived why we should take part with Paredes, and aid him, by means of our blockade, in preventing the return of his rival

to Mexico. On the contrary, it was believed that the intestine divisions which ordinary sagacity could not but anticipate as the fruit of Santa Anna's return to Mexico, and his contest with Paredes, might strongly tend to produce a disposition with both parties to restore and preserve peace with the United States. Paredes was a soldier by profession, and a monarchist in principle. He had but recently before been successful in a military revolution, by which he had obtained power. He was the sworn enemy of the United States, with which he had involved his country in the existing war. Santa Anna had been expelled from power by the army; was known to be in open hostility to Paredes, and publicly pledged against foreign intervention and the restoration of monarchy in Mexico. In view of these facts and circumstances it was, that, when orders were issued to the commander of our naval forces in the gulf, on the thirteenth day of May last, the same day on which the existence of the war was recognised by Congress, to place the coasts of Mexico under blockade, he was directed not to obstruct the passage of Santa Anna to Mexico, should he attempt to return.

A revolution took place in Mexico in the early part of August following, by which the power of Paredes was overthrown, and he has since been banished from the country, and is now in exile. Shortly afterward, Santa Anna returned. It remains to be seen whether his return may not yet prove to be favorable to a pacific adjustment of the existing difficulties, it being manifestly his interest not to persevere in the prosecution of a war commenced by Paredes, to accomplish a purpose so absurd as the reconquest of Texas to the Sabine. Had Paredes remained in power, it is morally certain that any pacific adjustment would have been hopeless.

Upon the commencement of hostilities by Mexico against the United States, the indignant spirit of the nation was at once aroused. Congress promptly responded to the expectations of the country, and, by the act of the thirteenth of May last, recognised the fact that war existed, by the act of Mexico, between the United States and that republic, and granted the means necessary for its vigorous prosecution. Being involved in a war thus commenced by Mexico, and for the justice of which on our part we may confidently appeal to the whole world, I resolved to prosecute it with the utmost vigor. Accordingly, the ports of Mexico on the gulf and on the Pacific have been placed under blockade, and her territory invaded at several important points. The reports from the departments of war and the navy will inform you more in detail of the measures adopted in the emergency in which our country was placed, and of the gratifying results which have been accomplished.

The various columns of the army have performed their duty under great disadvantages, with the most distinguished skill and courage. The victories of Palo Alto and Resaca de la Palma, and of Monterey, won against greatly superior numbers, and against most decided advantages in other respects on the part of the enemy, were brilliant in their execution, and entitle our brave officers and soldiers to the grateful thanks of their country. The nation deploras the loss of the brave officers and men who have gallantly fallen while vindicating and defending their country's rights and honor.

It is a subject of pride and satisfaction that our volunteer citizen-soldiers who so promptly responded to their country's call, with an experience of the discipline of a camp of only a few weeks, have borne their part in the hard fought battle of Monterey, with a constancy and courage equal to that



of veteran troops, and worthy of the highest admiration. The privations of long marches through the enemy's country, and through a wilderness, have been borne without a murmur. By rapid movements the province of New Mexico, with Santa Fe, its capital, has been captured without bloodshed. The navy has co-operated with the army, and rendered important services; if not so brilliant, it is because the enemy had no force to meet them on their own element, and because of the defences which nature has interposed in the difficulties of the navigation on the Mexican coasts. Our squadron in the Pacific, with the co-operation of a gallant officer of the army, and a small force hastily collected in that distant country, have acquired bloodless possession of the Californias, and the American flag has been raised at every important point in that province.

I congratulate you on the success which has thus attended our military and naval operations. In less than seven months after Mexico commenced hostilities, at a time selected by herself, we have taken possession of many of her principal ports, driven back and pursued her invading army, and acquired military possession of the Mexican provinces of New Mexico, New Leon, Coahuila, Tamaulipas, and the Californias, a territory larger in extent than that embraced in the original thirteen states of the Union, inhabited by a considerable population, and much of it more than a thousand miles from the points at which we had to collect our forces and commence our movements. By the blockade, the import and export trade of the enemy has been cut off.

Well may the American people be proud of the energy and gallantry of our regular and volunteer officers and soldiers. The events of these few months afford a gratifying proof that our country can, under any emergency, confidently rely for the maintenance of her honor, and the defence of her rights, on an effective force, ready at all times voluntarily to relinquish the comforts of home for the perils and privations of the camp. And though such a force may be for the time expensive, it is in the end economical, as the ability to command it removes the necessity of employing a large standing army in time of peace, and proves that our people love their institutions, and are ever ready to defend and protect them.

While the war was in a course of vigorous and successful prosecution, being still anxious to arrest its evils, and considering that, after the brilliant victories of our arms on the eighth and ninth of May last, the national honor could not be compromised by it, another overture was made to Mexico, by my direction, on the twenty-seventh of July last, to terminate hostilities by a peace just and honorable to both countries. On the thirty-first of August following, the Mexican government declined to accept this friendly overture, but referred it to the decision of a Mexican Congress, to be assembled in the early part of the present month. I communicate to you, herewith, a copy of the letter of the secretary of state proposing to reopen negotiations, of the answer of the Mexican government, and of the reply thereto of the secretary of state.

The war will continue to be prosecuted with vigor, as the best means of securing peace. It is hoped the decision of the Mexican Congress, to which our last overture has been referred, may result in a speedy and honorable peace. With our experience, however, of the unreasonable course of the Mexican authorities, it is the part of wisdom not to relax in the energy of our military operations until the result is made known. In this view, it is deemed important to hold military possession of all the prov-

inces which have been taken, until a definitive treaty of peace shall have been concluded, and ratified by the two countries.

The war has not been waged with a view to conquest; but having been commenced by Mexico, it has been carried into the enemy's country and will be vigorously prosecuted there, with a view to obtain an honorable peace, and thereby secure ample indemnity for the expenses of the war, as well as to our much-injured citizens, who hold large pecuniary demands against Mexico.

By the laws of nations a conquered territory is subject to be governed by the conqueror during his military possession, and until there is either a treaty of peace, or he shall voluntarily withdraw from it. The old civil government being necessarily superseded, it is the right and duty of the conqueror to secure his conquest, and to provide for the maintenance of civil order and the rights of the inhabitants. This right has been exercised, and this duty performed, by our military and naval commanders, by the establishment of temporary governments in some of the conquered provinces in Mexico, assimilating them as far as practicable to the free institutions of our own country. In the provinces of New Mexico, and of the Californias, little if any further resistance is apprehended from the inhabitants to the temporary governments which have thus, from the necessity of the case, and according to the laws of war, been established. It may be proper to provide for the security of these important conquests by making an adequate appropriation for the purpose of erecting fortifications and defraying the expenses necessarily incident to the maintenance of our possession and authority over them.

Near the close of your last session, for reasons communicated to Congress, I deemed it important, as a measure for securing a speedy peace with Mexico, that a sum of money should be appropriated and placed in the power of the executive, similar to that which had been made upon two former occasions, during the administration of President Jefferson.

On the twenty-sixth of February, 1803, an appropriation of two millions of dollars was made, and placed at the disposal of the president. Its object is well known. It was at that time in contemplation to acquire Louisiana from France, and it was intended to be applied as a part of the consideration which might be paid for that territory. On the thirteenth of February, 1806, the same sum was in like manner appropriated, with a view to the purchase of the Floridas from Spain. These appropriations were made to facilitate negotiations, and as a means to enable the president to accomplish the important objects in view. Though it did not become necessary for the president to use these appropriations, yet a state of things might have arisen in which it would have been highly important for him to do so, and the wisdom of making them can not be denied. It is believed that the measure recommended at your last session met with the approbation of decided majorities in both houses of Congress. Indeed, in different forms, a bill making an appropriation of two millions of dollars passed each house, and it is much to be regretted that it did not become a law. The reasons which induced me to recommend the measure at that time still exist; and I again submit the subject for your consideration, and suggest the importance of early action upon it. Should the appropriation be made, and be not needed, it will remain in the treasury; should it be deemed proper to apply it in whole or in part, it will be accounted for as other public expenditures.

Immediately after Congress had recognised the existence of the war

with Mexico, my attention was directed to the danger that privateers might be fitted out in the ports of Cuba and Porto Rico, to prey upon the commerce of the United States; and I invited the 'special attention of the Spanish government to the fourteenth article of our treaty with that power of the twentieth of October, 1795, under which the citizens and subjects of either nation who shall take commissions or letters of marque to act as privateers against the other "shall be punished as pirates."

It affords me pleasure to inform you that I have received assurances from the Spanish government that this article of the treaty shall be faithfully observed on its part. Orders for this purpose were immediately transmitted from that government to the authorities of Cuba and Porto Rico to exert their utmost vigilance in preventing any attempts to fit out privateers in those islands against the United States. From the good faith of Spain I am fully satisfied that this treaty will be executed in its spirit as well as its letter; while the United States will, on their part, faithfully perform all the obligations which it imposes on them.

Information has been recently received at the department of state that the Mexican government has sent to Havana blank commissions to privateers, and blank certificates of naturalization, signed by General Salas, the present head of the Mexican government. There is, also, reason to apprehend that similar documents have been transmitted to other parts of the world. Copies of these papers, in translation, are herewith transmitted.

As the preliminaries required by the practice of civilized nations for commissioning privateers and regulating their conduct appear not to have been observed, and as these commissions are in blank, to be filled up with the names of citizens and subjects of all nations who may be willing to purchase them, the whole proceeding can only be construed as an invitation to all the freebooters upon earth, who are willing to pay for the privilege, to cruise against American commerce. It will be for our courts of justice to decide whether, under such circumstances, these Mexican letters of marque and reprisal shall protect those who accept them, and commit robberies upon the high seas under their authority, from the pains and penalties of piracy.

If the certificates of naturalization thus granted be intended by Mexico to shield Spanish subjects from the guilt and punishment of pirates, under our treaty with Spain, they will certainly prove unavailing. Such a subterfuge would be but a weak device to defeat the provisions of a solemn treaty.

I recommend that Congress should immediately provide by law for the trial and punishment as pirates of Spanish subjects who, escaping the vigilance of their government, shall be found guilty of privateering against the United States. I do not apprehend serious danger from these privateers. Our navy will be constantly on the alert to protect our commerce. Besides, in case prizes should be made of American vessels, the utmost vigilance will be exerted by our blockading squadron to prevent the captors from taking them into Mexican ports, and it is not apprehended that any nation will violate its neutrality by suffering such prizes to be condemned and sold within its jurisdiction.

I recommend that Congress should immediately provide by law for granting letters of marque and reprisal against vessels under the Mexican flag. It is true that there are but few, if any, commercial vessels of Mexico upon the high seas; and it is, therefore, not probable that many American privateers would be fitted out, in case a law should pass authorizing

this mode of warfare. It is, notwithstanding, certain that such privateers may render good service to the commercial interests of the country, by recapturing our merchant-ships, should any be taken by armed vessels under the Mexican flag, as well as by capturing these vessels themselves. Every means within our power should be rendered available for the protection of our commerce.

The annual report of the secretary of the treasury will exhibit a detailed statement of the condition of the finances. The imports for the fiscal year ending on the thirtieth of June last, were of the value of one hundred and twenty-one millions six hundred and ninety-one thousand seven hundred and ninety-seven dollars; of which the amount exported was eleven millions three hundred and forty-six thousand six hundred and twenty-three dollars; leaving the amount retained in the country for domestic consumption one hundred and ten millions three hundred and forty-five thousand one hundred and seventy-four dollars. The value of the exports for the same period was one hundred and thirteen millions four hundred and eighty-eight thousand five hundred and sixteen dollars; of which one hundred and two millions one hundred and forty-one thousand eight hundred and ninety-three dollars consisted of domestic productions, and eleven millions three hundred and forty-six thousand six hundred and twenty-three dollars of foreign articles.

The receipts into the treasury for the same year were twenty-nine millions four hundred and ninety-nine thousand two hundred and forty-seven dollars and six cents; of which there was derived from customs twenty-six millions seven hundred and twelve thousand six hundred and sixty-seven dollars and eighty-seven cents, from the sales of public lands two millions six hundred and ninety-four thousand four hundred and fifty-two dollars and forty-eight cents, and from incidental and miscellaneous sources ninety-two thousand one hundred and twenty-six dollars and seventy-one cents. The expenditures for the same period were twenty-eight millions thirty-one thousand one hundred and fourteen dollars and twenty cents, and the balance in the treasury on the first day of July last, was nine millions one hundred and twenty-six thousand four hundred and thirty-nine dollars and eight cents.

The amount of the public debt, including treasury-notes, on the first of the present month, was twenty-four millions two hundred and fifty-six thousand four hundred and ninety-four dollars and sixty cents; of which the sum of seventeen millions seven hundred and eighty-eight thousand seven hundred and ninety-nine dollars and sixty-two cents was outstanding on the fourth of March, 1845, leaving the amount incurred since that time six millions four hundred and sixty-seven thousand six hundred and ninety-four dollars and ninety-eight cents.

In order to prosecute the war with Mexico with vigor and energy, as the best means of bringing it to a speedy and honorable termination, a further loan will be necessary, to meet the expenditures for the present and the next fiscal years. If the war should be continued until the thirtieth of June, 1848—being the end of the next fiscal year—it is estimated that an additional loan of twenty-three millions of dollars will be required. This estimate is made upon the assumption that it will be necessary to retain constantly in the treasury four millions of dollars, to guard against contingencies. If such surplus were not required to be retained, then a loan of nineteen millions of dollars would be sufficient. If, however Congress should, at the present session, impose a revenue duty on the princi-

pal articles now embraced in the free list, it is estimated that an additional annual revenue of about two millions and a half, amounting, it is estimated, on the thirtieth of June, 1848, to four millions of dollars, would be derived from that source; and the loan required would be reduced by that amount. It is estimated, also, that should Congress graduate and reduce the price of such of the public lands as have been long in the market, the additional revenue derived from that source would be annually, for several years to come, between half a million and a million of dollars; and the loan required may be reduced by that amount also. Should these measures be adopted, the loan required would not probably exceed eighteen or nineteen millions of dollars—leaving in the treasury a constant surplus of four millions of dollars. The loan proposed, it is estimated, will be sufficient to cover the necessary expenditures, both for the war and for all other purposes, up to the thirtieth of June, 1848; and an amount of this loan, not exceeding one half, may be required during the present fiscal year, and the greater part of the remainder during the first half of the fiscal year succeeding.

In order that timely notice may be given, and proper measures taken to effect the loan, or such portion of it as may be required, it is important that the authority of Congress to make it be given at an early period of your present session. It is suggested that the loan should be contracted for a period of twenty years, with authority to purchase the stock and pay it off at an earlier period, at its market value, out of any surplus which may at any time be in the treasury applicable to that purpose. After the establishment of peace with Mexico, it is supposed that a considerable surplus will exist, and that the debt may be extinguished in a much shorter period than that for which it may be contracted. The period of twenty years, as that for which the proposed loan may be contracted, in preference to a shorter period, is suggested, because all experience, both at home and abroad, has shown that loans are effected upon much better terms upon long time, than when they are reimbursable at short dates.

Necessary as this measure is, to sustain the honor and the interests of the country, engaged in a foreign war, it is not doubted but that Congress will promptly authorize it.

The balance in the treasury on the first of July last exceeded nine millions of dollars, notwithstanding considerable expenditures had been made for the war during the months of May and June preceding. But for the war, the whole public debt could and would have been extinguished within a short period; and it was a part of my settled policy to do so, and thus relieve the people from its burden, and place the government in a position which would enable it to reduce the public expenditures to that economical standard which is most consistent with the general welfare, and the pure and wholesome progress of our institutions.

Among our just causes of complaint against Mexico, arising out of her refusal to treat for peace, as well before as since the war so unjustly commenced on her part, are the extraordinary expenditures in which we have been involved. Justice to our own people will make it proper that Mexico should be held responsible for these expenditures.

Economy in the public expenditures is at all times a high duty which all public functionaries of the government owe to the people. This duty becomes the more imperative in a period of war, when large and extraordinary expenditures become unavoidable. During the existence of the war with Mexico all our resources should be husbanded, and no appropriations

made except such as are absolutely necessary for its vigorous prosecution and the due administration of the government. Objects of appropriation, which in peace may be deemed useful or proper, but which are not indispensable for the public service, may, when the country is engaged in a foreign war, be well postponed to a future period. By the observance of this policy at your present session, large amounts may be saved to the treasury, and be applied to objects of pressing and urgent necessity, and thus the creation of a corresponding amount of public debt may be avoided.

It is not meant to recommend that the ordinary and necessary appropriations for the support of government should be withheld, but it is well known that at every session of Congress appropriations are proposed for numerous objects which may or may not be made, without materially affecting the public interests; and these it is recommended should not be granted.

The act passed at your last session "reducing the duties on imports" not having gone into operation until the first of the present month, there has not been time for its practical effect upon the revenue and the business of the country, to be developed. It is not doubted, however, that the just policy which it adopts will add largely to our foreign trade, and promote the general prosperity. Although it can not certainly be foreseen what amount of revenue it will yield, it is estimated that it will exceed that produced by the act of 1842, which it superseded. The leading principles established by it are, to levy the taxes with a view to raise revenue, and to impose them upon the articles imported according to their actual value.

The act of 1842, by the excessive rates of duty which it imposed on many articles, either totally excluded them from importation, or greatly reduced the amount imported, and thus diminished instead of producing revenue. By it the taxes were imposed, not for the legitimate purpose of raising revenue, but to afford advantages to favored classes, at the expense of a large majority of their fellow-citizens. Those employed in agriculture, mechanical pursuits, commerce, and navigation, were compelled to contribute from their substance to swell the profits and overgrown wealth of the comparatively few who had invested their capital in manufactures. The taxes were not levied in proportion to the value of the articles upon which they were imposed; but, widely departing from this just rule, the lighter taxes were, in many cases, levied upon articles of luxury and high price, and the heavier taxes upon those of necessary and low price, consumed by the great mass of the people. It was a system, the inevitable effect of which was to relieve favored classes and the wealthy few from contributing their just proportion for the support of government, and to lay the burden on the labor of the many, engaged in other pursuits than manufactures.

A system so unequal and unjust has been superseded by the existing law, which imposes duties, not for the benefit or injury of classes or pursuits, but distributes, and, as far as practicable, equalizes the public burdens among all classes and occupations. The favored classes, who, under the unequal and unjust system which has been repealed, have heretofore realized large profits, and many of them amassed large fortunes, at the expense of the many who have been made tributary to them, will have no reason to complain if they shall be required to bear their just proportion of the taxes necessary for the support of government. So far from it, it will be perceived, by an examination of the existing law, that discriminations in the rates of duty imposed, within the revenue principle, have been retained

n their favor. The incidental aid against foreign competition which they still enjoy gives them an advantage which no other pursuits possess; but of this none others will complain, because the duties levied are necessary for revenue. These revenue duties, including freights and charges, which the importer must pay before he can come in competition with the home manufacturer in our markets, amount, on nearly all our leading branches of manufacture, to more than one third of the value of the imported article, and in some cases to almost one half its value. With such advantages, it is not doubted that our domestic manufacturers will continue to prosper, realizing, in well-conducted establishments, even greater profits than can be derived from any other regular business. Indeed, so far from requiring the protection of even incidental revenue duties, our manufacturers in several leading branches are extending their business, giving evidence of great ingenuity and skill, and of their ability to compete, with increased prospect of success, for the open market of the world. Domestic manufactures, to the value of several millions of dollars, which can not find a market at home, are annually exported to foreign countries. With such rates of duty as those established by the existing law, the system will probably be permanent; and capitalists, who have made, or shall hereafter make, their investments in manufactures, will know upon what to rely. The country will be satisfied with these rates, because the advantages which the manufacturers still enjoy result necessarily from the collection of revenue for the support of government. High protective duties, from their unjust operation upon the masses of the people, can not fail to give rise to extensive dissatisfaction and complaint, and to constant efforts to change or repeal them, rendering all investments in manufactures uncertain and precarious. Lower and more permanent rates of duty, at the same time that they will yield to the manufacturer fair and remunerating profits, will secure him against the danger of frequent changes in the system, which can not fail to ruinously affect his interests.

Simultaneously with the relaxation of the restrictive policy by the United States, Great Britain, from whose example we derived the system, has relaxed hers. She has modified her corn laws, and reduced many other duties to moderate revenue rates. After ages of experiment, the statesmen of that country have been constrained by a stern necessity, and by a public opinion having its deep foundation in the sufferings and wants of impoverished millions to abandon a system, the effect of which was to build up immense fortunes in the hands of the few, and to reduce the laboring millions to pauperism and misery. Nearly in the same ratio that labor was depressed, capital was increased and concentrated by the British protective policy.

The evils of the system in Great Britain were at length rendered intolerable, and it has been abandoned, but not without a severe struggle on the part of the protected and favored classes to retain the unjust advantages which they have so long enjoyed. It was to be expected that a similar struggle would be made by the same classes in the United States, whenever an attempt was made to modify or abolish the same unjust system here. The protective policy had been in operation in the United States for a much shorter period, and its pernicious effects were not, therefore, so clearly perceived and felt. Enough, however, was known of these effects to induce its repeal.

It would be strange if, in the face of the example of Great Britain, our principal foreign customer, and of the evils of a system rendered manifest

in that country by long and painful experience, and in the face of the immense advantages which, under a more liberal commercial policy, we are already deriving, and must continue to derive, by supplying her starving population with food, the United States should restore a policy which she has been compelled to abandon, and thus diminish her ability to purchase from us the food and other articles which she so much needs, and we so much desire to sell.

By the simultaneous abandonment of the protective policy by Great Britain and the United States, new and important markets have already been opened for our agricultural and other products ; commerce and navigation have received a new impulse ; labor and trade have been released from the artificial trammels which have so long fettered them ; and to a great extent reciprocity, in the exchange of commodities, has been introduced at the same time by both countries, and greatly for the benefit of both. Great Britain has been forced, by the pressure of circumstances at home, to abandon a policy which has been upheld for ages, and to open her markets for our immense surplus of breadstuffs, and it is confidently believed that other powers of Europe will ultimately see the wisdom, if they be not compelled by the pauperism and sufferings of their crowded population, to pursue a similar policy.

Our farmers are more deeply interested in maintaining the just and liberal policy of the existing law than any other class of our citizens. They constitute a large majority of our population ; and it is well known that when they prosper, all other pursuits prosper also. They have heretofore not only received none of the bounties or favors of government, but, by the unequal operations of the protective policy, have been made, by the burdens of taxation which it imposed, to contribute to the bounties which have enriched others.

When a foreign as well as a home market is opened to them, they must receive, as they are now receiving, increased prices for their products. They will find a readier sale, and at better prices, for their wheat, flour, rice, Indian corn, beef, pork, lard, butter, cheese, and other articles, which they produce. The home market alone is inadequate to enable them to dispose of the immense surplus of food and other articles which they are capable of producing, even at the most reduced prices, for the manifest reason that they can not be consumed in the country. The United States can, from their immense surplus, supply not only the home demand, but the deficiencies of food required by the whole world.

That the reduced production of some of the chief articles of food in Great Britain, and other parts of Europe, may have contributed to increase the demand for our breadstuffs and provisions, is not doubted ; but that the great and efficient cause of this increased demand, and of increased prices, consists in the removal of artificial restrictions heretofore imposed, is deemed to be equally certain. That our exports of food, already increased and increasing beyond former example, under the more liberal policy which has been adopted, will be still vastly enlarged, unless they be checked or prevented by a restoration of the protective policy, can not be doubted. That our commercial and navigating interests will be enlarged in a corresponding ratio with the increase of our trade, is equally certain ; while our manufacturing interests will still be the favored interests of the country, and receive the incidental protection afforded them by revenue duties ; and more than this they can not justly demand.

In my annual message of December last, a tariff of revenue duties



based upon the principles of the existing law was recommended ; and I have seen no reason to change the opinions then expressed. In view of the probable beneficial effects of that law, I recommend that the policy established by it be maintained. It has but just commenced to operate, and to abandon or modify it without giving it a fair trial, would be inexpedient and unwise. Should defects in any of its details be ascertained by actual experience to exist, these may be hereafter corrected ; but until such defects shall become manifest, the act should be fairly tested.

It is submitted for your consideration whether it may not be proper, as a war measure, to impose revenue duties on some of the articles now embraced in the free list. Should it be deemed proper to impose such duties, with a view to raise revenue to meet the expenses of the war with Mexico, or to avoid to that extent the creation of a public debt, they may be repealed when the emergency which gave rise to them shall cease to exist, and constitute no part of the permanent policy of the country.

The act of the sixth of August last, "to provide for the better organization of the treasury, and for the collection, safekeeping, transfer, and disbursement of the public revenue," has been carried into execution as rapidly as the delay necessarily arising out of the appointment of new officers, taking and approving their bonds, and preparing and securing proper places for the safekeeping of the public money, would permit. It is not proposed to depart in any respect from the principles or policy on which this great measure is founded. There are, however, defects in the details of the measure, developed by its practical operation, which are fully set forth in the report of the secretary of the treasury, to which the attention of Congress is invited. These defects would impair to some extent the successful operation of the law at all times, but are especially embarrassing when the country is engaged in a war, when the expenditures are greatly increased, when loans are to be effected, and the disbursements are to be made at points many hundred miles distant, in some cases, from any depository, and a large portion of them in a foreign country. The modifications suggested in the report of the secretary of the treasury are recommended to your favorable consideration.

In connexion with this subject, I invite your attention to the importance of establishing a branch of the mint of the United States at New York. Two thirds of the revenue derived from customs being collected at that point, the demand for specie to pay the duties will be large ; and a branch mint, where foreign coin and bullion could be immediately converted into American coin, would greatly facilitate the transaction of the public business, enlarge the circulation of gold and silver, and be, at the same time, a safe depository of the public money.

The importance of graduating and reducing the price of such of the public lands as have been long offered in the market at the minimum rate authorized by existing laws, and remain unsold, induces me again to recommend the subject to your favorable consideration. Many millions of acres of these lands have been offered in the market for more than thirty years, and larger quantities for more than ten or twenty years ; and being of an inferior quality, they must remain unsaleable for an indefinite period, unless the price at which they may be purchased shall be reduced. To place a price upon them above their real value is not only to prevent their sale, and thereby deprive the treasury of any income from that source, but is unjust to the states in which they lie, because it retards their growth and increase of population, and because they have no power

to levy a tax upon them as upon other lands within their limits, held by other proprietors than the United States, for the support of their local governments.

The beneficial effects of the graduation principle have been realized by some of the states owning the lands within their limits, in which it has been adopted. They have been demonstrated also by the United States acting as the trustee of the Chickasaw tribe of Indians in the sale of their lands lying within the states of Mississippi and Alabama. The Chickasaw lands, which would not command in the market the minimum price established by the laws of the United States for the sale of their lands, were, in pursuance of the treaty of 1834, with that tribe, subsequently offered for sale at graduated and reduced rates for limited periods. The result was, that large quantities of these lands were purchased, which would otherwise have remained unsold. \* The lands were disposed of at their real value, and many persons of limited means were enabled to purchase small tracts, upon which they have settled with their families. That similar results would be produced by the adoption of the graduation policy by the United States, in all the states in which they are the owners of large bodies of lands which have been long in the market, can not be doubted. It can not be a sound policy to withhold large quantities of the public lands from the use and occupation of our citizens, by fixing upon them prices which experience has shown they will not command. On the contrary, it is a wise policy to afford facilities to our citizens to become the owners, at low and moderate rates, of freeholds of their own, instead of being the tenants and dependants of others. If it be apprehended that these lands, if reduced in price, would be secured in large quantities by speculators or capitalists, the sales may be restricted, in limited quantities, to actual settlers or persons purchasing for purpose of cultivation.

In my last annual message I submitted for the consideration of Congress the present system of managing the mineral lands of the United States, and recommended that they should be brought into market and sold, upon such terms and under such restrictions as Congress might prescribe. By the act of the eleventh of July last, "the reserved lead mines and contiguous lands in the states of Illinois and Arkansas, and territories of Wisconsin and Iowa," were authorized to be sold. The act is confined, in its operation, to "lead mines and contiguous lands."

A large portion of the public lands containing copper and other ores is represented to be very valuable, and I recommend that provision be made authorizing the sale of these lands, upon such terms and conditions as from their supposed value may, in the judgment of Congress, be deemed advisable, having due regard to the interests of such of our citizens as may be located upon them.

It will be important, during your present session, to establish a territorial government and to extend the jurisdiction and laws of the United States over the territory of Oregon. Our laws regulating trade and intercourse with the Indian tribes east of the Rocky mountains should be extended to the Pacific ocean; and, for the purpose of executing them and preserving friendly relations with the Indian tribes within our limits, an additional number of Indian agencies will be required, and should be authorized by law. The establishment of customhouses, and of postoffices and postroads, and provision for the transportation of the mail on such routes as the public convenience will suggest, require legislative authority. It will be proper, also, to establish a surveyor-general's office in that ter-

ritory, and to make the necessary provision for surveying the public lands, and bringing them into market. As our citizens who now reside in that distant region have been subjected to many hardships, privations, and sacrifices in their emigration, and by their improvements have enhanced the value of the public lands in the neighborhood of their settlements, it is recommended that liberal grants be made to them of such portions of these lands as they may occupy, and that similar grants or rights of pre-emption be made to all who may emigrate thither within a limited period, to be prescribed by law.

The report of the secretary of war contains detailed information relative to the several branches of the public service connected with that department. The operations of the army have been of a satisfactory and highly-gratifying character.

I recommend to your early and favorable consideration the measures proposed by the secretary of war for speedily filling up the rank and file of the regular army, for its greater efficiency in the field, and for raising an additional force to serve during the war with Mexico.

Embarrassment is likely to arise for want of legal provision authorizing compensation to be made to the agents employed in the several states and territories to pay the revolutionary and other pensioners the amounts allowed them by law. Your attention is invited to the recommendations of the secretary of war on this subject. These agents incur heavy responsibilities and perform important duties, and no reason exists why they should not be placed on the same footing, as to compensation, with other disbursing officers.

Our relations with the various Indian tribes continue to be of a pacific character. The unhappy dissensions which have existed among the Cherokees for many years past have been healed. Since my last annual message important treaties have been negotiated with some of the tribes, by which the Indian title to large tracts of valuable land, within the limits of the states and territories, has been extinguished, and arrangements made for removing them to the country west of the Mississippi. Between three and four thousand, of different tribes, have been removed to the country provided for them by treaty stipulations, and arrangements have been made for others to follow.

In our intercourse with the several tribes particular attention has been given to the important subject of education. The number of schools established among them has been increased, and additional means provided, not only for teaching them the rudiments of education, but of instructing them in agriculture and the mechanic arts.

I refer you to the report of the secretary of the navy for a satisfactory view of the operations of the department under his charge during the past year. It is gratifying to perceive, that while the war with Mexico has rendered it necessary to employ an unusual number of our armed vessels on her coasts, the protection due to our commerce in other quarters of the world has not proved insufficient. No means will be spared to give efficiency to the naval service in the prosecution of the war; and I am happy to know that the officers and men anxiously desire to devote themselves to the service of their country in any enterprise, however difficult of execution.

I recommend to your favorable consideration the proposition to add to each of our foreign squadrons an efficient sea-steamer, and, as especially demanding attention, the establishment at Pensacola, of the necessary

means of repairing and refitting the vessels of the navy employed in the gulf of Mexico.

There are other suggestions in the report which deserve, and, I doubt not, will receive, your consideration.

The progress and condition of the mail service for the past year are fully presented in the report of the postmaster-general. The revenue for the year ending on the thirtieth of June last amounted to three millions, four hundred and eighty-seven thousand, one hundred and ninety-nine dollars, which is eight hundred and two thousand, six hundred and forty-two dollars and forty-five cents less than that of the preceding year. The payments for that department during the same time amounted to four millions, eighty-four thousand, two hundred and ninety-seven dollars and twenty-two cents. Of this sum five hundred and ninety-seven thousand, and ninety-seven dollars and eighty cents have been drawn from the treasury. The disbursements for the year were two hundred and thirty-six thousand, four hundred and thirty-four dollars and seventy-seven cents less than those of the preceding year. While the disbursements have been thus diminished, the mail facilities have been enlarged by new mail-routes of five thousand, seven hundred and thirty-nine miles; an increase of transportation of one million, seven hundred and sixty-four thousand, one hundred and forty-five miles, and the establishment of four hundred and eighteen new postoffices. Contractors, postmasters, and others, engaged in this branch of the service, have performed their duties with energy and faithfulness deserving commendation. For many interesting details connected with the operations of this establishment, you are referred to the report of the postmaster-general; and his suggestions for improving its revenues are recommended to your favorable consideration. I repeat the opinion expressed in my last annual message, that the business of this department should be so regulated that the revenues derived from it should be made to equal the expenditures; and it is believed that this may be done by proper modifications of the present laws, as suggested in the report of the postmaster-general, without changing the present rates of postage.

With full reliance upon the wisdom and patriotism of your deliberations, it will be my duty, as it will be my anxious desire, to co-operate with you in every constitutional effort to promote the welfare and maintain the honor of our common country.

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## SPECIAL MESSAGE.

DECEMBER 22, 1846.

*To the House of Representatives of the United States:—*

IN compliance with the request contained in the resolution of the house of representatives of the 15th instant, I communicate herewith reports from the secretary of war and the secretary of the navy, with the documents which accompany them.

These documents contain all the "orders or instructions" to any military, naval, or other officer of the government, "in relation to the establishment or organization of civil government in any portion of the territory of Mex-

ico which has or might be taken possession of by the army or navy of the United States."

These orders and instructions were given to regulate the exercise of the rights of a belligerent, engaged in actual war, over such portions of the territory of our enemy as, by military conquest, might be "taken possession of" and be occupied by our armed forces—rights necessarily resulting from a state of war and clearly recognised by the laws of nations. This was all the authority which could be delegated to our military and naval commanders, and its exercise was indispensable to the secure occupation and possession of territory of the enemy which might be conquered. The regulations authorized were temporary, and dependent on the rights acquired by conquest. They were authorized as belligerent rights, and were to be carried into effect by military or naval officers. They were but the amelioration of martial law, which modern civilization requires, and were due as well to the security of the conquest, as to the inhabitants of the conquered territory.

The documents communicated also contain the reports of several highly meritorious officers of our army and navy, who have conquered and taken possession of portions of the enemy's territory.

Among the documents accompanying the report of the secretary of war will be found a "form of government" "established and organized" by the military commander who conquered and occupied with his forces the territory of New Mexico. This document was received at the war department in the latter part of the last month, and, as will be perceived by the report of the secretary of war, was not, for the reasons stated by that officer, brought to my notice until after my annual message of the 8th instant was communicated to Congress.

It is declared on its face to be a "temporary government of the said territory;" but there are portions of it which purport to "establish and organize" a permanent territorial government of the United States over the territory, and to impart to its inhabitants political rights which, under the constitution of the United States, can be enjoyed permanently only by citizens of the United States. These have not been "approved and recognised" by me. Such organized regulations as have been established in any of the conquered territories for the security of our conquest, for the preservation of order, for the protection of the rights of the inhabitants, and for depriving the enemy of the advantages of these territories while the military possession of them by the forces of the United States continues, will be recognised and approved.

It will be apparent, from the reports of the officers who have been required by the success which has crowned their arms to exercise the powers of temporary government over the conquered territories, that if any excess of power has been exercised, the departure has been the offspring of a patriotic desire to give to the inhabitants the privileges and immunities so cherished by the people of our own country, and which they believed calculated to improve their condition and promote their prosperity. Any such excess has resulted in no practical injury, but can and will be early corrected, in a manner to alienate as little as possible the good feelings of the inhabitants of the conquered territory.

## SPECIAL MESSAGE.

DECEMBER 29, 1846.

*To the Senate and House of Representatives of the United States:—*

IN order to prosecute the war against Mexico with vigor and success, it is necessary that authority should be promptly given by Congress, to increase the regular army, and to remedy existing defects in its organization. With this view, your favorable attention is invited to the annual report of the secretary of war, which accompanied my message of the eighth instant, in which he recommends that ten additional regiments of regular troops shall be raised, to serve during the war.

Of the additional regiments of volunteers which have been called for from several of the states, some have been promptly raised; but this has not been the case in regard to all. The existing law, requiring that they should be organized by the independent action of the state governments, has, in some instances, occasioned considerable delay, and it is yet uncertain when the troops required can be ready for service in the field.

It is our settled policy to maintain in time of peace as small a regular army as the exigencies of the public service will permit. In a state of war, notwithstanding the great advantage with which our volunteer citizen-soldiers can be brought into the field, this small regular army must be increased in its numbers, in order to render the whole force more efficient.

Additional officers, as well as men, then become indispensable. Under the circumstances of our service, a peculiar propriety exists for increasing the officers, especially in the higher grades. The number of such officers who, from age and other causes, are rendered incapable of active service in the field, has seriously impaired the efficiency of the army.

From the report of the secretary of war, it appears that about two thirds of the whole number of regimental field officers are either permanently disabled, or are necessarily detached from their commands on other duties. The long enjoyment of peace has prevented us from experiencing much embarrassment from this cause; but now, in a state of war, conducted in a foreign country, it has produced serious injury to the public service.

An efficient organization of the army, composed of regulars and volunteers, while prosecuting the war in Mexico, it is believed, would require the appointment of a general officer to take command of all our military forces in the field. Upon the conclusion of the war, the services of such an officer would no longer be necessary, and should be dispensed with upon the reduction of the army to a peace establishment.

I recommend that provision be made by law, for the appointment of such a general officer, to serve during the war.

It is respectfully recommended that early action should be had by Congress upon the suggestions submitted for their consideration, as necessary to insure active and efficient service in prosecuting the war, before the present favorable season for military operations in the enemy's country shall have passed away.

## SPECIAL MESSAGE.

JANUARY 4, 1847.

*To the Senate of the United States :—*

I COMMUNICATE herewith a report of the postmaster-general, which contains the information called for by the resolution of the senate of the 16th instant, in relation to the means which have been taken for the transmission of letters and papers to and from the officers and soldiers now in the service of the United States, in Mexico. In answer to the inquiry whether any legislation is necessary to secure the speedy transmission and delivery of such letters and papers, I refer you to the suggestions of the postmaster-general, which are recommended to your favorable consideration.

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## SPECIAL MESSAGE.

JANUARY 19, 1847.

*To the House of Representatives of the United States :—*

I TRANSMIT herewith a report of the secretary of war, with the accompanying report from the adjutant-general of the army, made in compliance with the resolution of the house of representatives of the 5th instant, requesting the president to communicate to the house "the whole number of volunteers which have been mustered into the service of the United States, since the first day of May last, designating the number mustered for three months, six months, and twelve months; the number of those who have been discharged before they served two months, number discharged after two months' service, and the number of volunteer officers who have resigned, and the dates of their resignations."

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## SPECIAL MESSAGE.

JANUARY 20, 1847.

*To the House of Representatives of the United States :—*

I COMMUNICATE herewith a letter received from the president of the convention of delegates of the people of Wisconsin, transmitting a certified copy of the constitution adopted by the delegates of the people of Wisconsin in convention assembled; also, a copy of the act of the legislature of the territory of Wisconsin, providing for the calling of said convention; and also, a copy of the last census, showing the number of inhabitants in said territory, requesting the president to "lay the same before the Congress of the United States, with the request that Congress act upon the same at its present session."

## SPECIAL MESSAGE.

JANUARY 25, 1847.

*To the House of Representatives of the United States :—*

I COMMUNICATE herewith a report of the secretary of the treasury, accompanied by a statement of the register of the treasury, prepared in compliance with a resolution of the house of representatives of the 7th instant, requesting the president "to furnish the house with a statement showing the whole amount allowed and paid at the treasury during the year ending 30th June, 1846, for postages of the executive departments of the government, and for the several officers and persons authorized by the act approved 3d March, 1846, to send or receive matter through the mails free, including the amount allowed, or allowable, if charged in the postages of any officers or agents, military, naval, or civil, employed in or by any of said departments." It will be perceived that said statement is as full and accurate as can be made during the present session of Congress.

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## SPECIAL MESSAGE.

JANUARY 29, 1847.

*To the House of Representatives of the United States :—*

I COMMUNICATE herewith a report of the secretary of war, together with reports of the adjutant-general and paymaster-general of the army, in answer to a resolution of the house of representatives of the 20th instant, requesting the president to communicate to the house "whether any, and if any, which of the representatives named in the list annexed have held any office or offices under the United States since the commencement of the 29th Congress; designating the office or offices held by each, and whether the same are now so held; and including in said information the names of all who are now serving in the army of the United States as officers, and receiving pay as such, and when and by whom they were commissioned."

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## SPECIAL MESSAGE.

FEBRUARY 3, 1847.

*To the Senate of the United States :—*

I COMMUNICATE herewith reports of the secretary of war and the secretary of the treasury, with accompanying documents, in answer to a resolution of the senate "requesting the president to inform the senate whether any funds of the government, and, if any, what amount, have been remitted from the Atlantic states to New Orleans, or to the disbursing officers of the American army in Mexico since the first of September last;



and, if any remitted, in what funds remitted, whether in gold or silver coin, treasury-notes, bank-notes, or bank-checks; and, if in whole or in part remitted in gold and silver, what has been the expense to the government of each of said remittances."

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## SPECIAL MESSAGE.

FEBRUARY 13, 1847.

*To the Senate and House of Representatives of the United States :—*

CONGRESS, by the act of the thirteenth of May last, declared that, "by the act of the republic of Mexico, a state of war exists between that government and the United States;" and "for the purpose of enabling the government of the United States to prosecute said war to a speedy and successful termination," authority was vested in the president to employ the "naval and military forces of the United States."

It has been my unalterable purpose, since the commencement of hostilities by Mexico, and the declaration of the existence of war by Congress, to prosecute the war in which the country was unavoidably involved with the utmost energy, with a view to its "speedy and successful termination" by an honorable peace.

Accordingly, all the operations of our naval and military forces have been directed with this view. While the sword has been held in one hand, and our military movements pressed forward into the enemy's country, and its coasts invested by our navy, the tender of an honorable peace has been constantly presented to Mexico in the other.

Hitherto, the overtures of peace which have been made by this government, have not been accepted by Mexico. With a view to avoid a protracted war, which hesitancy and delay on our part would be so well calculated to produce, I informed you, in my annual message of the eighth of December last, that the war would "continue to be prosecuted with vigor as the best means of securing peace," and recommended to your early and favorable consideration the measures proposed by the secretary of war, in his report accompanying that message.

In my message of the twenty-ninth of December last, these and other measures, deemed to be essential to the "speedy and successful termination" of the war, and the attainment of a just and honorable peace, were recommended to your early and favorable consideration.

The worst state of things which could exist in a war with such a power as Mexico would be a course of indecision and inactivity on our part. Being charged by the constitution and the laws with the conduct of the war, I have availed myself of all the means at my command to prosecute it with energy and vigor.

The act "to raise for a limited time an additional military force, and for other purposes," and which authorizes the raising of ten additional regiments to the regular army, to serve during the war, and to be disbanded at its termination, which was presented to me on the eleventh instant, and approved on that day, will constitute an important part of our military force. Those regiments will be raised and moved to the seat of war with the least practicable delay.

It will be perceived that this act makes no provision for the organization into brigades and divisions of the increased force which it authorizes, nor for the appointment of general officers to command it. It will be proper that authority be given by law to make such organization, and to appoint, by and with the advice and consent of the senate, such number of major-generals and brigadier-generals as the efficiency of the service may demand. The number of officers of these grades now in service are not more than are required for their respective commands; but further legislative action during your present session will, in my judgment, be required, and to which it is my duty respectfully to invite your attention.

Should the war, contrary to my earnest desire, be protracted to the close of the term of service of the volunteers now in Mexico, who engaged for twelve months, an additional volunteer force will probably become necessary to supply their place. Many of the volunteers now serving in Mexico, it is not doubted, will cheerfully engage, at the conclusion of their present term, to serve during the war. They would constitute a more efficient force than could be speedily obtained by accepting the services of any new corps who might offer their services. They would have the advantage of the experience and discipline of a year's service, and will have become accustomed to the climate, and be in less danger than new levies of suffering from the diseases of the country. I recommend, therefore, that authority be given to accept the services of such of the volunteers now in Mexico as the state of the public service may require, and who may, at the termination of their present term, voluntarily engage to serve during the war with Mexico, and that provision be made for commissioning the officers. Should this measure receive the favorable consideration of Congress, it is recommended that a bounty be granted to them upon their voluntarily extending their term of service. This would not only be due to these gallant men, but it would be economy to the government; because, if discharged at the end of the twelve months, the government would be bound to incur a heavy expense in bringing them back to their homes, and in sending to the seat of war new corps of fresh troops to supply their place.

By the act of the thirteenth of May last, the president was authorized to accept the services of volunteers, "in companies, battalions, squadrons, and regiments," but no provision was made for filling up vacancies which might occur by death, or discharges from the service on account of sickness or other casualties. In consequence of this omission, many of the corps now in service have been much reduced in numbers. Nor was any provision made for filling vacancies of regimental or company officers who might die or resign. Information has been received at the war department of the resignation of more than one hundred of these officers. They were appointed by the state authorities, and no information has been received, except in a few instances, that their places have been filled; and the efficiency of the service has been impaired from this cause. To remedy these defects, I recommend that authority be given to accept the services of individual volunteers, to fill up the places of such as may die, or become unfit for the service and be discharged; and that provision be also made for filling the places of regimental and company officers who may die or resign. By such provisions, the volunteer corps may be constantly kept full, or may approximate the maximum number authorized and called into service in the first instance.

While it is deemed to be our true policy to prosecute the war in the

manner indicated, and thus make the enemy feel its pressure and its evils I shall be at all times ready, with the authority conferred on me by the constitution, and with all the means which may be placed at my command by Congress, to conclude a just and honorable peace.

Of equal importance with an energetic and vigorous prosecution of the war are the means required to defray its expenses, and to uphold and maintain the public credit.

In my annual message of the eighth of December last, I submitted for the consideration of Congress, the propriety of imposing, as a war measure, revenue duties on some of the articles now embraced in the free list. The principal articles now exempt from duty, from which any considerable revenue could be derived, are tea and coffee. A moderate revenue duty on these articles, it is estimated, would produce, annually, an amount exceeding two and a half millions of dollars. Though in a period of peace, when ample means could be derived from duties on other articles for the support of the government, it may have been deemed proper not to resort to a duty on these articles; yet, when the country is engaged in a foreign war, and all our resources are demanded to meet the unavoidable increased expenditure in maintaining our armies in the field, no sound reason is perceived why we should not avail ourselves of the revenues which may be derived from this source. The objections which have heretofore existed to the imposition of these duties were applicable to a state of peace, when they were not needed. We are now, however, engaged in a foreign war. We need money to prosecute it, and to maintain the public honor and credit. It can not be doubted that the patriotic people of the United States would cheerfully, and without complaint, submit to the payment of this additional duty, or any other that may be necessary to maintain the honor of the country, provide for the unavoidable expenses of the government, and to uphold the public credit. It is recommended that any duties which may be imposed on these articles be limited in their duration to the period of the war.

An additional annual revenue, it is estimated, of between half a million and a million of dollars, would be derived from the graduation and reduction of the price of such of the public lands as have been long offered in the market at the minimum price established by the existing laws, and have remained unsold. And, in addition to other reasons commending the measure to favorable consideration, it is recommended as a financial measure. The duty suggested on tea and coffee, and the graduation and reduction of the price of the public lands, would secure an additional annual revenue to the treasury of not less than three millions of dollars, and would thereby prevent the necessity of incurring a public debt annually to that amount, the interest on which must be paid semi-annually, and ultimately the debt itself by a tax on the people.

It is a sound policy, and one which has long been approved by the government and people of the United States, never to resort to loans unless in cases of great public emergency, and then only for the smallest amount which the public necessities will permit.

The increased revenues which the measures now recommended would produce, would, moreover, enable the government to negotiate a loan, for any additional sum which may be found to be needed, with more facility, and at cheaper rates than can be done without them.

Under the injunction of the constitution which makes it my duty "from time to time to give to Congress information of the state of the Union,

and to recommend to their consideration such measures" as shall be judged "necessary and expedient," I respectfully and earnestly invite the action of Congress on the measures herein presented for their consideration. The public good, as well as a sense of my responsibility to our common constituents, in my judgment, imperiously demands that I should present them for your enlightened consideration, and invoke favorable action upon them before the close of your present session.

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## SPECIAL MESSAGE.

FEBRUARY 20, 1847.

*To the Senate of the United States :—*

I COMMUNICATE herewith a report of the secretary of state, with the accompanying documents, in answer to a resolution of the senate of the second instant, requesting the president to "communicate such information in possession of the executive departments in relation to the importation of foreign criminals and paupers as he may deem consistent with the public interests to communicate."

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## SPECIAL MESSAGE.

FEBRUARY 27, 1847.

*To the House of Representatives of the United States :—*

I COMMUNICATE herewith a report of the secretary of war, with the accompanying documents, in answer to the resolution of the house of representatives of the first instant, requesting the president "to communicate to the house of representatives all the correspondence with General Taylor, since the commencement of hostilities with Mexico, which has not yet been published, and the publication of which may not be deemed detrimental to the public service, also the correspondence of the quartermaster-general, in relation to transportation for General Taylor's army ; also, the reports of Brigadier-Generals Hamer and Quitman, of the operations of their respective brigades on the twenty-first of September last."

As some of these documents relate to military operations of our forces which may not have been fully executed, I might have deemed it proper to withhold parts of them, under the apprehension that their publication at this time would be detrimental to the public service ; but I am satisfied that these operations are now so far advanced, and that the enemy has already received so much information from other sources in relation to the intended movements of our army, as to render this precaution unnecessary.

## THIRD ANNUAL MESSAGE.

DECEMBER 7, 1847.

*Fellow-Citizens of the Senate and of the House of Representatives:—*

THE annual meeting of Congress is always an interesting event. The representatives of the states and of the people come fresh from their constituents to take counsel together for the common good. After an existence of near three fourths of a century as a free and independent republic, the problem no longer remains to be solved whether man is capable of self-government. The success of our admirable system is a conclusive refutation of the theories of those in other countries who maintain that "a favored few," are born to rule, and that the mass of mankind must be governed by force. Subject to no arbitrary or hereditary authority, the people are the only sovereigns recognised by our constitution. Numerous emigrants of every lineage and language, attracted by the civil and religious freedom we enjoy, and by our happy condition, annually crowd to our shores, and transfer their heart, not less than their allegiance, to the country whose dominion belongs alone to the people.

No country has been so much favored, or should acknowledge with deeper reverence manifestations of the Divine protection. An all-wise Creator directed and guarded us in our infant struggle for freedom, and has constantly watched over our surprising progress, until we have become one of the great nations of the earth.

It is in a country thus favored, and under a government in which the executive and legislative branches hold their authority for limited periods, alike from the people, and where all are responsible to their respective constituencies, that it is again my duty to communicate with Congress upon the state of the Union, and the present condition of public affairs.

During the past year the most gratifying proofs are presented that our country has been blessed with a wide-spread and universal prosperity. There has been no period since the government was founded, when all the industrial pursuits of our people have been more successful, or when labor in all branches of business has received a fairer or better reward. From our abundance we have been enabled to perform the pleasing duty of furnishing food for the starving millions of less-favored countries.

In the enjoyment of the bounties of Providence at home, such as have rarely fallen to the lot of any people, it is cause of congratulation, that our intercourse with all the powers of the earth, except Mexico, continues to be of an amicable character.

It has ever been our cherished policy to cultivate peace and goodwill with all nations; and this policy has been steadily pursued by me.

No change has taken place in our relations with Mexico, since the adjournment of the last Congress. The war in which the United States were forced to engage with the government of that country still continues.

I deem it unnecessary, after the full exposition of them contained in my message of the eleventh of May, 1846, and in my annual message at the commencement of the session of Congress in December last, to reiterate the serious causes of complaint which we had against Mexico before she commenced hostilities.

It is sufficient on the present occasion to say, that the wanton violation of the rights of person and property of our citizens committed by Mexico,

her repeated acts of bad faith, through a long series of years, and her disregard of solemn treaties, stipulating for indemnity to our injured citizens, not only constituted ample cause of war on our part, but were of such an aggravated character as would have justified us before the whole world, in resorting to this extreme remedy. With an anxious desire to avoid a rupture between the two countries, we forbore for years to assert our clear rights by force, and continued to seek redress for the wrongs we had suffered by amicable negotiation, in the hope that Mexico might yield to pacific counsels and the demands of justice. In this hope we were disappointed. Our minister of peace sent to Mexico was insulting rejected. The Mexican government refused even to hear the terms of adjustment which he was authorized to propose; and finally, under wholly unjustifiable prettexts, involved the two countries in war, by invading the territory of the state of Texas, striking the first blow, and shedding the blood of our citizens on our own soil.

Though the United States were the aggrieved nation, Mexico commenced the war, and we were compelled, in self-defence, to repel the invader, and to vindicate the national honor and interests by prosecuting it with vigor until we could obtain a just and honorable peace.

On learning that hostilities had been commenced by Mexico, I promptly communicated that fact, accompanied with a succinct statement of our other causes of complaint against Mexico, to Congress; and that body, by the act of the thirteenth of May, 1846, declared that, "by the act of the republic of Mexico, a state of war exists between that government and the United States,"—this act declaring "the war to exist by the act of the republic of Mexico," and making provision for its prosecution "to a speedy and successful termination," was passed with great unanimity by Congress, there being but two negative votes in the senate and but fourteen in the house of representatives.

The existence of the war having thus been declared by Congress, it became my duty, under the constitution and the laws, to conduct and prosecute it. This duty has been performed; and though, at every stage of its progress, I have manifested a willingness to terminate it by a just peace, Mexico has refused to accede to any terms which could be accepted by the United States, consistently with the national honor and interest.

The rapid and brilliant successes of our arms; and the vast extent of the enemy's territory which had been overrun and conquered, before the close of the last session of Congress, were fully known to that body. Since that time, the war has been prosecuted with increased energy, and, I am gratified to state, with a success which commands universal admiration. History presents no parallel of so many glorious victories achieved by any nation within so short a period. Our army, regulars, and volunteers, have covered themselves with imperishable honors. Whenever and wherever our forces have encountered the enemy, though he was in vastly superior numbers, and often entrenched in fortified positions of his own selection, and of great strength, he has been defeated. Too much praise can not be bestowed upon our officers and men, regulars and volunteers, for their gallantry, discipline, indomitable courage and perseverance, all seeking the post of danger, and vying with each other in deeds of noble daring.

While every patriot's heart must exult, and a just national pride animate every bosom, in beholding the high proofs of courage, consummate military skill, steady discipline, and humanity to the vanquished enemy, ex-

hibited by our gallant army, the nation is called to mourn over the loss of many brave officers and soldiers who have fallen in defence of their country's honor and interests. The brave dead met their melancholy fate in a foreign land, nobly discharging their duty, and with their country's flag waving triumphantly in the face of the foe. Their patriotic deeds are justly appreciated, and will long be remembered by their grateful countrymen. The parental care of the government they loved and served should be extended to their surviving families.

Shortly after the adjournment of the last session of Congress, the gratifying intelligence was received of the signal victory of Buena Vista, and of the fall of the city of Vera Cruz, and with it the strong castle of San Juan de Ulloa, by which it was defended. Believing that after these and other successes, so honorable to our arms and so disastrous to Mexico, the period was propitious to afford her another opportunity, if she thought proper to embrace it, to enter into negotiations for peace, a commissioner was appointed to proceed to the headquarters of our army, with full powers to enter upon negotiations, and to conclude a just and honorable treaty of peace. He was not directed to make any new overtures of peace, but was the bearer of a despatch from the secretary of state of the United States to the minister of foreign affairs of Mexico, in reply to one received from the latter of the twenty-second of February, 1847, in which the Mexican government was informed of his appointment, and of his presence at the headquarters of our army, and that he was invested with full powers to conclude a definitive treaty of peace, whenever the Mexican government might signify a desire to do so. While I was unwilling to subject the United States to another indignant refusal, I was yet resolved that the evils of the war should not be protracted a day longer than might be rendered absolutely necessary by the Mexican government.

Care was taken to give no instructions to the commissioner which could in any way interfere with our military operations, or relax our energies in the prosecution of the war. He possessed no authority in any manner to control these operations. He was authorized to exhibit his instructions to the general in command of the army; and in the event of a treaty being concluded and ratified on the part of Mexico, he was directed to give him notice of that fact. On the happening of such contingency, and on receiving notice thereof, the general in command was instructed by the secretary of war to suspend further active military operations until further orders. These instructions were given with a view to intermit hostilities until the treaty thus ratified by Mexico could be transmitted to Washington, and receive the action of the government of the United States.

The commissioner was also directed, on reaching the army, to deliver to the general in command the despatch which he bore from the secretary of state to the minister of foreign affairs of Mexico, and, on receiving it, the general was instructed by the secretary of war to cause it to be transmitted to the commander of the Mexican forces, with a request that it might be communicated to his government.

The commissioner did not reach the headquarters of the army until after another brilliant victory had crowned our arms at Cerro Gordo.

The despatch which he bore from the secretary of war to the general in command of the army was received by that officer, then at Jalapa, on the seventh of May, 1847, together with the despatch from the secretary of state to the minister of foreign affairs of Mexico, having been trans-

mitted to him from Vera Cruz. The commissioner arrived at the headquarters of the army a few days afterward. His presence with the army and his diplomatic character were made known to the Mexican government, from Puebla, on the twelfth of June, 1847, by the transmission of the despatch from the secretary of state to the minister of foreign affairs of Mexico.

Many weeks elapsed after its receipt, and no overtures were made, nor was any desire expressed by the Mexican government, to enter into negotiations for peace.

Our army pursued its march upon the capital, and, as it approached it, was met by formidable resistance. Our forces first encountered the enemy, and achieved signal victories in the severely-contested battles of Contreras and Churubusco. It was not until after these actions had resulted in decisive victories, and the capital of the enemy was within our power, that the Mexican government manifested any disposition to enter into negotiations for peace, and even then, as events have proved, there is too much reason to believe they were insincere, and that in agreeing to go through the forms of negotiation, the object was to gain time to strengthen the defences of their capital, and to prepare for fresh resistance.

The general in command of the army deemed it expedient to suspend hostilities temporarily, by entering into an armistice with a view to the opening of negotiations. Commissioners were appointed on the part of Mexico to meet the commissioner on the part of the United States. The result of the conferences which took place between these functionaries of the two governments was a failure to conclude a treaty of peace.

The commissioner of the United States took with him the projet of a treaty already prepared, by the terms of which the indemnity required by the United States was a cession of territory.

It is well known that the only indemnity which it is in the power of Mexico to make, in satisfaction of the just and long-deferred claims of our citizens against her, and the only means by which she can reimburse the United States for the expenses of the war, is a cession to the United States of a portion of her territory. Mexico has no money to pay, and no other means of making the required indemnity. If we refuse this, we can obtain nothing else. To reject indemnity, by refusing to accept a cession of territory, would be to abandon all our just demands, and to wage the war, bearing all its expenses, without a purpose or definite object.

A state of war abrogates treaties previously existing between the belligerents, and a treaty of peace puts an end to all claims for indemnity—for tortuous acts committed under the authority of one government against the citizens or subjects of another, unless they are provided for in its stipulations. A treaty of peace which would terminate the existing war, without providing for indemnity, would enable Mexico—the acknowledged debtor, and herself the aggressor in the war—to relieve herself from her just liabilities. By such a treaty, our citizens who hold just demands against her would have no remedy against either Mexico or their own government. Our duty to these citizens must for ever prevent such a peace, and no treaty which does not provide ample means of discharging these demands can receive my sanction.

A treaty of peace should settle all existing differences between the two countries. If an adequate cession of territory should be made by such a treaty, the United States should release Mexico from all her lia-



bilities, and assume their payment to our own citizens. If, instead of this, the United States were to consent to a treaty by which Mexico should again engage to pay the heavy amount of indebtedness which a just indemnity to our government and our citizens would impose on her, it is notorious that she does not possess the means to meet such an undertaking. From such a treaty no result could be anticipated, but the same irritating disappointments which have heretofore attended the violations of similar treaty stipulations on the part of Mexico. Such a treaty would be but a temporary cessation of hostilities, without the restoration of the friendship and good understanding which should characterize the future intercourse between the two countries.

That Congress contemplated the acquisition of territorial indemnity when that body made provision for the prosecution of the war, is obvious. Congress could not have meant—when, in May, 1846, they appropriated ten millions of dollars, and authorized the president to employ the militia and naval and military forces of the United States, and to accept the services of fifty thousand volunteers, to enable him to prosecute the war; and when, at their last session, and after our army had invaded Mexico, they made additional appropriations, and authorized the raising of additional troops for the same purpose—that no indemnity was to be obtained from Mexico at the conclusion of the war; and yet it was certain that, if no Mexican territory was acquired, no indemnity could be obtained.

It is further manifest that Congress contemplated territorial indemnity, from the fact that at their last session an act was passed, upon the executive recommendation, appropriating three millions of dollars with that express object. This appropriation was made “to enable the president to conclude a treaty of peace, limits, and boundaries, with the republic of Mexico, to be used by him in the event that said treaty, when signed by the authorized agents of the two governments, and duly ratified by Mexico, shall call for the expenditure of the same, or any part thereof.” The object of asking this appropriation was distinctly stated in the several messages on the subject which I communicated to Congress. Similar appropriations made in 1803 and 1806, which were referred to, were intended to be applied in part consideration for the cession of Louisiana and the Floridas. In like manner it was anticipated that, in settling the terms of a treaty of “limits and boundaries” with Mexico, a cession of territory estimated to be of greater value than the amount of our demands against her might be obtained; and that the prompt payment of this sum—in part consideration for the territory ceded—on the conclusion of a treaty, and its ratification on her part, might be an inducement with her to make such a cession of territory as would be satisfactory to the United States. And although the failure to conclude such a treaty has rendered it unnecessary to use any part of the three millions of dollars appropriated by that act, and the entire sum remains in the treasury, it is still applicable to that object, should the contingency occur making such application proper.

The doctrine of no territory is the doctrine of no indemnity; and, if sanctioned, would be a public acknowledgment that our country was wrong, and that the war declared by Congress with extraordinary unanimity was unjust, and should be abandoned; an admission unfounded in fact, and degrading to the national character.

The terms of the treaty proposed by the United States were not only just to Mexico, but, considering the character and amount of our claims, the unjustifiable and unprovoked commencement of hostilities by her,

the expenses of the war to which we have been subjected, and the success which had attended our arms, were deemed to be of a most liberal character.

The commissioner of the United States was authorized to agree to the establishment of the Rio Grande as the boundary, from its entrance into the gulf to its intersection with the southern boundary of New Mexico, in north latitude about thirty-two degrees, and to obtain a cession to the United States of the provinces of New Mexico and the Californias, and the privilege of the right of way across the isthmus of Tehuantepec. The boundary of the Rio Grande, and the cession to the United States of New Mexico and Upper California, constituted an ultimatum which our commissioner was, under no circumstances, to yield.

That it might be manifest, not only to Mexico, but to all other nations, that the United States were not disposed to take advantage of a feeble power, by insisting upon wresting from her all the other provinces, including many of her principal towns and cities, which we had conquered and held in our military occupation, but were willing to conclude a treaty in a spirit of liberality, our commissioner was authorized to stipulate for the restoration to Mexico of all our other conquests.

As the territory to be acquired by the boundary proposed might be estimated to be of greater value than a fair equivalent for our just demands, our commissioner was authorized to stipulate for the payment of such additional pecuniary consideration as was deemed reasonable.

The terms of a treaty proposed by the Mexican commissioners were wholly inadmissible. They negotiated as if Mexico were the victorious, and not the vanquished party. They must have known that their ultimatum could never be accepted. It required the United States to dismember Texas, by surrendering to Mexico that part of the territory of that state lying between the Nueces and the Rio Grande, included within her limits by her laws when she was an independent republic, and when she was annexed to the United States and admitted by Congress as one of the states of our Union. It contained no provision for the payment by Mexico of the just claims of our citizens. It required indemnity to Mexican citizens for injuries they may have sustained by our troops in the prosecution of the war. It demanded the right for Mexico to levy and collect the Mexican tariff of duties on goods imported into her ports while in our military occupation during the war, and the owners of which had paid to officers of the United States the military contributions which had been levied upon them; and it offered to cede to the United States, for a pecuniary consideration, that part of Upper California lying north of latitude thirty-seven degrees. Such were the unreasonable terms proposed by the Mexican commissioners.

The cession to the United States by Mexico, of the provinces of New Mexico and the Californias, as proposed by the commissioner of the United States, it was believed, would be more in accordance with the convenience and interests of both nations, than any other cession of territory which it was probable Mexico could be induced to make.

It is manifest to all who have observed the actual condition of the Mexican government, for some years past, and at present, that if these provinces should be retained by her, she could not long continue to hold and govern them. Mexico is too feeble a power to govern these provinces, lying as they do at a distance of more than a thousand miles from her cap-

ital, and, if attempted to be retained by her, they would constitute but for a short time, even nominally, a part of her dominions.

This would be especially the case with Upper California. The sagacity of powerful European nations has long since directed their attention to the commercial importance of that province, and there can be little doubt that the moment the United States shall relinquish their present occupation of it, and their claim to it as indemnity, an effort would be made by some foreign power to possess it, either by conquest or by purchase. If no foreign government should acquire it in either of these modes, an independent revolutionary government would probably be established by the inhabitants, and such foreigners as may remain in or remove to the country, as soon as it shall be known that the United States have abandoned it. Such a government would be too feeble long to maintain its separate independent existence, and would finally become annexed to, or be a dependent colony of some more powerful state.

Should any foreign government attempt to possess it as a colony, or otherwise to incorporate it with itself, the principle avowed by President Monroe, in 1824, and reaffirmed in my first annual message, that no foreign power shall, with our consent, be permitted to plant or establish any new colony or dominion on any part of the North American continent, must be maintained. In maintaining this principle, and in resisting its invasion by any foreign power, we might be involved in other wars more expensive and more difficult than that in which we are now engaged.

The provinces of New Mexico and the Californias are contiguous to the territories of the United States, and if brought under the government of our laws, their resources—mineral, agricultural, manufacturing, and commercial—would soon be developed.

Upper California is bounded on the north by our Oregon possessions; and if held by the United States, would soon be settled by a hardy, enterprising, and intelligent portion of our population. The bay of San Francisco, and other harbors along the Californian coast, would afford shelter for our navy, for our numerous whalships, and other merchant-vessels employed in the Pacific ocean, and would in a short period become the marts of an extensive and profitable commerce with China, and other countries of the east.

These advantages, in which the whole commercial world would participate, would at once be secured to the United States by the cession of this territory; while it is certain that as long as it remains a part of the Mexican dominions, they can be enjoyed neither by Mexico herself nor by any other nation.

New Mexico is a frontier province, and has never been of any considerable value to Mexico. From its locality, it is naturally connected with our western settlements. The territorial limits of the state of Texas, too, as defined by her laws, before her admission into our Union, embrace all that portion of New Mexico lying east of the Rio Grande, while Mexico still claims to hold this territory as a part of her dominions. The adjustment of this question of boundary is important.

There is another consideration which induced the belief that the Mexican government might even desire to place this province under the protection of the government of the United States. Numerous bands of fierce and warlike savages wander over it, and upon its borders. Mexico has been, and must continue to be, too feeble to restrain them from committing depredations, robberies, and murders, not only upon the inhabi-

tants of New Mexico itself, but upon those of the other northern states of Mexico. It would be a blessing to all these northern states to have their citizens protected against them by the power of the United States. At this moment many Mexicans, principally females and children, are in captivity among them. If New Mexico were held and governed by the United States, we could effectually prevent these tribes from committing such outrages, and compel them to release these captives, and restore them to their families and friends.

In proposing to acquire New Mexico and the Californias, it was known that but an inconsiderable portion of the Mexican people would be transferred with them, the country embraced within these provinces being chiefly an uninhabited region.

These were the leading considerations which induced me to authorize the terms of peace which were proposed to Mexico. They were rejected; and, negotiations being at an end, hostilities were renewed. An assault was made by our gallant army upon the strongly-fortified places near the gates of the city of Mexico, and upon the city itself; and after several days of severe conflict, the Mexican forces—vastly superior in number to our own—were driven from the city, and it was occupied by our troops.

Immediately after information was received of the unfavorable result of the negotiations, believing that his continued presence with the army could be productive of no good, I determined to recall our commissioner. A despatch to this effect was transmitted to him on the sixth of October last. The Mexican government will be informed of his recall; and that, in the existing state of things, I shall not deem it proper to make any further overtures of peace, but shall be at all times ready to receive and consider any proposals which may be made by Mexico.

Since the liberal proposition of the United States was authorized to be made in April last, large expenditures have been incurred, and the precious blood of many of our patriotic fellow-citizens has been shed in the prosecution of the war. This consideration, and the obstinate perseverance of Mexico in protracting the war, must influence the terms of peace which it may be deemed proper hereafter to accept.

Our arms having been everywhere victorious, having subjected to our military occupation a large portion of the enemy's country, including his capital, and negotiations for peace having failed, the important questions arise, in what manner the war ought to be prosecuted, and what should be our future policy. I can not doubt that we should secure and render available the conquests which we have already made; and that, with this view, we should hold and occupy, by our naval and military forces, all the ports, towns, cities, and provinces, now in our occupation, or which may hereafter fall into our possession; that we should press forward our military operations, and levy such military contributions on the enemy, as may as far as practicable, defray the future expenses of the war.

Had the government of Mexico acceded to the equitable and liberal terms proposed, that mode of adjustment would have been preferred. Mexico having declined to do this, and failed to offer any other terms which could be accepted by the United States, the national honor, no less than the public interests, requires that the war should be prosecuted with increased energy and power, until a just and satisfactory peace can be obtained. In the meantime, as Mexico refuses all indemnity, we should adopt measures to indemnify ourselves, by appropriating permanently a

portion of her territory. Early after the commencement of the war, New Mexico and the Californias were taken possession of by our forces. Our military and naval commanders were ordered to conquer and hold them, subject to be disposed of by a treaty of peace.

These provinces are now in our undisputed occupation, and have been so for many months; all resistance on the part of Mexico having ceased within their limits. I am satisfied that they never should be surrendered to Mexico. Should Congress concur with me in this opinion, and that they should be retained by the United States as indemnity, I can perceive no good reason why the civil jurisdiction and laws of the United States should not at once be extended over them. To wait for a treaty of peace, such as we are willing to make, by which our relations toward them would not be changed, can not be good policy; while our own interest, and that of the people inhabiting them, require that a stable, responsible and free government under our authority should, as soon as possible, be established over them. Should Congress, therefore, determine to hold these provinces permanently, and that they shall hereafter be considered as constituent parts of our country, the early establishment of territorial government over them will be important for the more perfect protection of persons and property; and I recommend that such territorial governments be established. It will promote peace and tranquillity among the inhabitants, by allaying all apprehension that they may still entertain of being again subjected to the jurisdiction of Mexico. I invite the early and favorable consideration of Congress to this important subject.

Besides New Mexico and the Californias, there are other Mexican provinces which have been reduced to our possession by conquest. These other Mexican provinces are now governed by our military and naval commanders, under the general authority which is conferred upon a conqueror by the laws of war. They should continue to be held as a means of coercing Mexico to accede to just terms of peace. Civil as well as military officers are required to conduct such a government. Adequate compensation to be drawn from contributions levied on the enemy should be fixed by law for such officers as may be thus employed. What further provision may become necessary, and what final disposition it may be proper to make of them, must depend on the future progress of the war, and the course which Mexico may think proper hereafter to pursue.

With the views I entertain, I can not favor the policy which has been suggested, either to withdraw our army altogether, or to retire to a designated line, and simply hold and defend it. To withdraw our army altogether from the conquests they have made by deeds of unparalleled bravery, and at the expense of so much blood and treasure, in a just war on our part, and one which, by the act of the enemy, we could not honorably have avoided, would be to degrade the nation in its own estimation and in that of the world.

To retire to a line, and simply hold and defend it, would not terminate the war. On the contrary it would encourage Mexico to persevere, and tend to protract it indefinitely. It is not to be expected that Mexico, after refusing to establish such a line as a permanent boundary, when our victorious army are in possession of her capital, and in the heart of her country, would permit us to hold it without resistance. That she would continue the war, and in the most harassing and annoying forms, there can be no doubt. A border warfare of the most savage character, extending

over a long line, would be unceasingly waged. It would require a large army to be kept constantly in the field, stationed at posts and garrisons along such a line, to protect and defend it. The enemy, relieved from the pressure of our arms on his coasts and in the populous parts of the interior, would direct his attention to this line, and, selecting an isolated post for attack, would concentrate his forces upon it. This would be a condition of affairs which the Mexicans, pursuing their favorite system of guerrilla warfare, would probably prefer to any other. Were we to assume a defensive attitude on such a line, all the advantages of such a state of war would be on the side of the enemy. We could levy no contributions upon him, or in any other way make him feel the pressure of the war, but must remain inactive and await his approach, being in constant uncertainty at what point on the line, or at what time, he might make an assault. He may assemble and organize an overwhelming force in the interior, on his own side of the line, and, concealing his purpose, make a sudden assault upon some one of our posts so distant from any other as to prevent the possibility of timely succor or reinforcements; and in this way our gallant army would be exposed to the danger of being cut off in detail; or if, by their unequalled bravery and prowess everywhere exhibited during this war, they should repulse the enemy, their numbers stationed at any one post may be too small to pursue him. If the enemy be repulsed in one attack, he would have nothing to do but to retreat to his own side of the line, and, being in no fear of a pursuing army, may reinforce himself at leisure, for another attack on the same or some other post. He may too, cross the line between our posts, make rapid incursions into the country which we hold, murder the inhabitants, commit depredations on them, and then retreat to the interior before a sufficient force can be concentrated to pursue him. Such would probably be the harassing character of a mere defensive war on our part. If our forces, when attacked, or threatened with attack, be permitted to cross the line, drive back the enemy and conquer him, this would be again to invade the enemy's country, after having lost all the advantages of the conquests we have already made, by having voluntarily abandoned them. To hold such a line successfully and in security, it is far from being certain that it would not require as large an army as would be necessary to hold all the conquests we have already made, and to continue the prosecution of the war in the heart of the enemy's country. It is also far from being certain that the expenses of the war would be diminished by such a policy.

I am persuaded that the best means of vindicating the national honor and interest, and of bringing the war to an honorable close, will be to prosecute it with increased energy and power in the vital parts of the enemy's country.

In my annual message to Congress of December last, I declared that, "the war has not been waged with a view to conquest; but having been commenced by Mexico, it has been carried into the enemy's country, and will be vigorously prosecuted there, with a view to obtain an honorable peace, and thereby secure ample indemnity for the expenses of the war, as well as to our much-injured citizens, who hold large pecuniary demands against Mexico." Such in my judgment, continues to be our true policy—indeed, the only policy which will probably secure a permanent peace.

It has never been contemplated by me, as an object of the war, to make a permanent conquest of the republic of Mexico, or to annihilate her separate existence as an independent nation. On the contrary, it has ever

been my desire that she should maintain her nationality, and, under a good government adapted to her condition, be a free, independent, and prosperous republic. The United States were the first among the nations to recognise her independence, and have always desired to be on terms of amity and good neighborhood with her. This she would not suffer. By her own conduct we have been compelled to engage in the present war. In its prosecution, we seek not her overthrow as a nation ; but in vindicating our national honor, we seek to obtain redress for the wrongs she has done us, and indemnity for our just demands against her. We demand an honorable peace ; and that peace must bring with it indemnity for the past and security for the future. Hitherto Mexico has refused all accommodation by which such a peace could be obtained.

While our armies have advanced from victory to victory, from the commencement of the war, it has always been with the olive-branch of peace in their hands ; and it has been in the power of Mexico, at every step, to arrest hostilities by accepting it.

One great obstacle to the attainment of peace has, undoubtedly, arisen from the fact, that Mexico has been so long held in subjection by one faction or military usurper after another, and such has been the condition of insecurity in which their successive governments have been placed, that each has been deterred from making peace, lest, for this very cause, a rival faction might expel it from power. Such was the fate of President Herrera's administration in 1845, for being disposed even to listen to the overtures of the United States to prevent the war, as is fully confirmed by an official correspondence which took place in the month of August last, between him and his government, a copy of which is herewith communicated. " For this cause alone, the revolution which displaced him from power was set on foot " by General Paredes. Such may be the condition of insecurity of the present government.

There can be no doubt that the peaceable and well-disposed inhabitants of Mexico are convinced that it is the true interest of their country to conclude an honorable peace with the United States ; but the apprehension of becoming the victims of some military faction or usurper may have prevented them from manifesting their feelings by any public act. The removal of any such apprehension would probably cause them to speak their sentiments freely, and to adopt the measures necessary for the restoration of peace. With a people distracted and divided by contending factions, and a government subject to constant changes, by successive revolutions, the continued successes of our arms may fail to secure a satisfactory peace. In such event, it may become proper for our commanding generals in the field to give encouragement and assurances of protection to the friends of peace in Mexico in the establishment and maintenance of a free republican government of their own choice, able and willing to conclude a peace which would be just to them, and secure to us the indemnity we demand. This may become the only mode of obtaining such a peace. Should such be the result, the war which Mexico has forced upon us would thus be converted into an enduring blessing to herself. After finding her torn and distracted by factions, and ruled by military usurpers, we should then leave her with a republican government, in the enjoyment of real independence, and domestic peace and prosperity, performing all her relative duties in the great family of nations, and promoting her own happiness by wise laws and their faithful execution.

If, after affording this encouragement and protection, and after all the persevering and sincere efforts we have made, from the moment Mexico commenced the war, and prior to that time, to adjust our differences with her, we shall ultimately fail, then we shall have exhausted all honorable means in pursuit of peace, and must continue to occupy her country with our troops, taking the full measure of indemnity into our own hands, and must enforce the terms which our honor demands.

To act otherwise, in the existing state of things in Mexico, and to withdraw our army without a peace, would not only leave all the wrongs of which we complain unredressed, but would be the signal for new and fierce civil dissensions and new revolutions—all alike hostile to peaceful relations with the United States.

Besides, there is danger, if our troops were withdrawn before a peace was concluded, that the Mexican people, wearied with successive revolutions, and deprived of protection for their persons and property, might at length be inclined to yield to foreign influences, and to cast themselves into the arms of some European monarch for protection from the anarchy and suffering which would ensue. This, for our own safety, and in pursuance of our established policy, we should be compelled to resist. We could never consent that Mexico should be thus converted into a monarchy governed by a foreign prince.

Mexico is our near neighbor, and her boundaries are conterminous with our own, through the whole extent across the North American continent, from ocean to ocean. Both politically and commercially, we have the deepest interest in her regeneration and prosperity. Indeed, it is impossible that, with any just regard to our own safety, we can ever become indifferent to her fate.

It may be that the Mexican government and people have misconstrued or misunderstood our forbearance, and our objects, in desiring to conclude an amicable adjustment of the existing differences between the two countries. They may have supposed that we would submit to terms degrading to the nation; or they may have drawn false inferences from the supposed division of opinion in the United States on the subject of the war, and may have calculated to gain much by protracting it; and, indeed, that we might ultimately abandon it altogether, without insisting on any indemnity, territorial or otherwise. Whatever may be the false impressions under which they have acted, the adoption and prosecution of the energetic policy proposed must soon undeceive them.

In the future prosecution of the war, the enemy must be made to feel its pressure more than they have heretofore done. At its commencement it was deemed proper to conduct it in a spirit of forbearance and liberality. With this end in view, early measures were adopted to conciliate, as far as a state of war would permit, the mass of the Mexican population; to convince them that the war was waged, not against the peaceful inhabitants of Mexico, but against their faithless government, which had commenced hostilities; to remove from their minds the false impressions which their designing and interested rulers had artfully attempted to make, that the war on our part was one of conquest; that it was a war against their religion and their churches, which were to be desecrated and overthrown; and that their rights of person and private property would be violated. To remove these false impressions, our commanders in the field were directed scrupulously to respect their religion, their churches, and their church property, which were in no manner to be violated; they were



directed also to respect the rights of persons and property of all who should not take up arms against us.

Assurances to this effect were given to the Mexican people by Major-General Taylor, in a proclamation issued in pursuance of instructions from the secretary of war, in the month of June, 1846, and again by Major-General Scott, who acted upon his own convictions of the propriety of issuing it in a proclamation of the eleventh of May, 1847.

In this spirit of liberality and conciliation, and with a view to prevent the body of the Mexican population from taking up arms against us, was the war conducted on our part. Provisions and other supplies furnished to our army by Mexican citizens were paid for at fair and liberal prices agreed upon by the parties. After the lapse of a few months, it became apparent that these assurances, and this mild treatment, had failed to produce the desired effect upon the Mexican population. While the war had been conducted on our part according to the most humane and liberal principles observed by civilized nations, it was waged in a far different spirit on the part of Mexico. Not appreciating our forbearance, the Mexican people generally became hostile to the United States, and availed themselves of every opportunity to commit the most savage excesses upon our troops. Large numbers of the population took up arms, and, engaging in guerilla warfare, robbed and murdered, in the most cruel manner, individual soldiers, or small parties, whom accident or other causes had separated from the main body of our army; bands of guerilleros and robbers infested the roads, harassed our trains, and, whenever it was in their power, cut off our supplies.

The Mexicans having thus shown themselves to be wholly incapable of appreciating our forbearance and liberality, it was deemed proper to change the manner of conducting the war, by making them feel its pressure according to the usages observed under similar circumstances by all other civilized nations.

Accordingly as early as the twenty-second of September, 1846, instructions were given by the secretary of war to Major-General Taylor to "draw supplies" for our army "from the enemy, without paying for them, and to require contributions for its support, if in that way he was satisfied he could get abundant supplies for his forces." In directing the execution of these instructions, much was necessarily left to the discretion of the commanding officer, who was best acquainted with the circumstances by which he was surrounded, the wants of the army, and the practicability of enforcing the measure.

General Taylor, on the twenty-sixth of October, 1846, replied from Monterey, that "it would have been impossible hitherto, and is so now, to sustain the army to any extent by forced contributions of money or supplies." For the reasons assigned by him, he did not adopt the policy of his instructions, but declared his readiness to do so, "should the army, in its future operations, reach a portion of the country which may be made to supply the troops with advantage." He continued to pay for the articles of supply which were drawn from the enemy's country.

Similar instructions were sent to Major-General Scott on the third of April, 1847, who replied from Jalapa, on the twentieth of May, 1847, that if it be expected "that the army is to support itself by forced contributions levied upon the country, we may ruin and exasperate the inhabitants, and starve ourselves." The same discretion was given to him that had been to General Taylor in this respect. General Scott, for the rea-

sons assigned by him, also continued to pay for the articles of supply for the army which were drawn from the enemy.

After the army had reached the heart of the most wealthy portion of Mexico, it was supposed that the obstacles which had before that time prevented it would not be such as to render impracticable the levy of forced contributions for its support; and on the first of September, and again on the sixth of October, 1847, the order was repeated in despatches addressed by the secretary of war to General Scott, and his attention was again called to the importance of making the enemy bear the burdens of the war by requiring them to furnish the means of supporting our army; and he was directed to adopt this policy, unless, by doing so, there was danger of depriving the army of the necessary supplies. Copies of these despatches were forwarded to General Taylor for his government.

On the thirty-first of March last, I caused an order to be issued to our military and naval commanders to levy and collect a military contribution upon all vessels and merchandise which might enter any of the ports of Mexico in our military occupation, and to apply such contributions toward defraying the expenses of the war. By virtue of the right of conquest and the laws of war, the conqueror, consulting his own safety or convenience, may either exclude foreign commerce altogether from all such ports, or permit it upon such terms and conditions as he may prescribe. Before the principal ports of Mexico were blockaded by our navy, the revenue derived from impost duties, under the laws of Mexico, was paid into the Mexican treasury. After these ports had fallen into our military possession, the blockade was raised, and commerce with them permitted upon prescribed terms and conditions. They were opened to the trade of all nations upon the payment of duties more moderate in their amount than those which had been previously levied by Mexico; and the revenue, which was formerly paid into the Mexican treasury, was directed to be collected by our naval and military officers, and applied to the use of our army and navy. Care was taken that the officers, soldiers, and sailors, of our army and navy should be exempted from the operations of the order; and as the merchandise imported upon which the order operated must be consumed by Mexican citizens, the contributions exacted were, in effect, the seizure of the public revenues of Mexico, and the application of them to our own use. In directing this measure, the object was to compel the enemy to contribute, as far as practicable, toward the expenses of the war.

For the amount of contributions which have been levied in this form, I refer you to the accompanying reports of the secretary of war and of the secretary of the navy, by which it appears that a sum exceeding half a million of dollars has been collected.

This amount would undoubtedly have been much larger, but for the difficulty of keeping open communications between the coast and the interior, so as to enable the owners of the merchandise imported to transport and vend it to the inhabitants of the country. It is confidently expected that this difficulty will, to a great extent, be soon removed by our increased forces which have been sent to the field.

Measures have recently been adopted by which the internal as well as the external revenues of Mexico, in all places in our military occupation, will be seized and appropriated to the use of our army and navy.

The policy of levying upon the enemy contributions in every form, consistently with the laws of nations, which it may be practicable for our mil-

itary commanders to adopt, should, in my judgment, be rigidly enforced, and orders to this effect have accordingly been given. By such a policy, at the same time that our own treasury will be relieved from a heavy drain, the Mexican people will be made to feel the burdens of the war, and, consulting their own interests, may be induced the more readily to require their rulers to accede to a just peace.

After the adjournment of the last session of Congress, events transpired in the prosecution of the war which, in my judgment, required a greater number of troops in the field than had been anticipated. The strength of the army was accordingly increased by "accepting" the services of all the volunteer forces authorized by the act of the thirteenth of May, 1846, without putting a construction on that act, the correctness of which was seriously questioned. The volunteer forces now in the field, with those which had been "accepted," to "serve for twelve months," and were discharged at the end of their term of service, exhaust the fifty thousand men authorized by that act. Had it been clear that a proper construction of the act warranted it, the services of an additional number would have been called for and accepted; but doubts existing upon this point, the power was not exercised.

It is deemed important that Congress should, at an early period of their session, confer the authority to raise an additional regular force to serve during the war with Mexico, and to be discharged upon the conclusion and ratification of a treaty of peace. I invite the attention of Congress to the views presented by the secretary of war in his report upon the subject.

I recommend, also, that authority be given by law to call for and accept the services of an additional number of volunteers, to be exercised at such time and to such extent as the emergencies of the service may require.

In prosecuting the war with Mexico, while the utmost care has been taken to avoid every just cause of complaint on the part of neutral nations, and none has been given, liberal privileges have been granted to their commerce in the ports of the enemy in our military occupation.

The difficulty with the Brazilian government, which at one time threatened to interrupt the friendly relations between the two countries, will, I trust, be speedily adjusted. I have received information that an envoy extraordinary and minister plenipotentiary to the United States will shortly be appointed by his imperial majesty; and it is hoped that he will come instructed and prepared to adjust all remaining differences between the two governments in a manner acceptable and honorable to both. In the meantime, I have every reason to believe that nothing will occur to interrupt our amicable relations with Brazil.

It has been my constant effort to maintain and cultivate the most intimate relations of friendship with all the independent powers of South America; and this policy has been attended with the happiest results. It is true, that the settlement and payment of many just claims of American citizens against these nations have been long delayed. The peculiar position in which they have been placed, and the desire on the part of my predecessors, as well as myself, to grant them the utmost indulgence, have hitherto prevented these claims from being urged in a manner demanded by strict justice. The time has arrived when they ought to be finally adjusted and liquidated, and efforts are now making for that purpose.

It is proper to inform you that the government of Peru has in good faith paid the first two instalments of the indemnity of thirty thousand dollars each, and the greater portion of the interest due thereon, in execution of

the convention between that government and the United States, the ratifications of which were exchanged at Lima, on the thirty-first of October, 1846. The attorney-general of the United States, early in August last, completed the adjudication of the claims under this convention, and made his report thereon, in pursuance of the act of the eighth of August, 1846. The sums to which the claimants are respectively entitled will be paid on demand at the treasury.

I invite the early attention of Congress to the present condition of our citizens in China. Under our treaty with that power, American citizens are withdrawn from the jurisdiction, whether civil or criminal, of the Chinese government, and placed under that of our public functionaries in that country. By these alone can our citizens be tried and punished for the commission of any crime; by these alone can questions be decided between them, involving the rights of persons and property; and by these alone can contracts be enforced, into which they may have entered with the citizens or subjects of foreign powers. The merchant-vessels of the United States lying in the waters of the five ports of China open to foreign commerce are under the exclusive jurisdiction of officers of their own government. Until Congress shall establish competent tribunals to try and punish crimes, and to exercise jurisdiction in civil cases in China, American citizens there are subject to no law whatever. Crimes may be committed with impunity, and debts may be contracted without any means to enforce their payment. Inconveniences have already resulted from the omission of Congress to legislate upon the subject, and still greater are apprehended. The British authorities in China have already complained that this government has not provided for the punishment of crimes, or the enforcement of contracts against American citizens in that country, while their government has established tribunals by which an American citizen can recover debts due from British subjects.

Accustomed as the Chinese are to summary justice, they could not be made to comprehend why criminals who are citizens of the United States should escape with impunity, in violation of treaty obligations, while the punishment of a Chinese, who had committed any crime against an American citizen, would be rigorously exacted. Indeed, the consequences might be fatal to American citizens in China, should a flagrant crime be committed by any one of them upon a Chinese, and should trial and punishment not follow according to the requisitions of the treaty. This might disturb, if not destroy, our friendly relations with that empire, and cause an interruption of our valuable commerce.

Our treaties with the Sublime Porte, Tripoli, Tunis, Morocco, and Muscat, also require the legislation of Congress to carry them into execution, though the necessity for immediate action may not be so urgent as in regard to China.

The secretary of state has submitted an estimate to defray the expense of opening diplomatic relations with the papal states. The interesting political events now in progress in these states, as well as a just regard to our commercial interests, have, in my opinion, rendered such a measure highly expedient.

Estimates have also been submitted for the outfits and salaries of *chargés d'affaires* to the republics of Bolivia, Guatemala, and Ecuador. The manifest importance of cultivating the most friendly relations with all the independent states upon this continent has induced me to recommend appropriations necessary for the maintenance of these missions.

I recommend to Congress that an appropriation be made, to be paid to the Spanish government for the purpose of distribution among the claimants in "the Amistad case." I entertain the conviction that this is due to Spain under the treaty of the twentieth of October, 1795; and moreover, that, from the earnest manner in which the claim continues to be urged, so long as it shall remain unsettled, it will be a source of irritation and discord between the two countries, which may prove highly prejudicial to the interests of the United States. Good policy, no less than a faithful compliance with our treaty obligations, requires that the inconsiderable appropriation demanded should be made.

A detailed statement of the condition of the finances will be presented in the annual report of the secretary of the treasury. The imports for the last fiscal year, ending on the thirtieth of June, 1847, were of the value of one hundred and forty-six millions, five hundred and forty-five thousand, six hundred and thirty-eight dollars; of which the amount exported was eight millions, eleven thousand, one hundred and fifty-eight dollars, leaving one hundred and thirty-eight millions, five hundred and thirty-four thousand, four hundred and eighty dollars in the country for domestic use. The value of the exports for the same period was one hundred and fifty-eight millions, six hundred and forty-eight thousand, six hundred and twenty-two dollars; of which one hundred and fifty millions, six hundred and thirty-seven thousand, four hundred and sixty-four dollars consisted of domestic productions, and eight millions, eleven thousand, one hundred and fifty-eight dollars of foreign articles.

The receipts into the treasury for the same period amounted to twenty-six millions, three hundred and forty-six thousand, seven hundred and ninety dollars and thirty-seven cents, of which there was derived from customs twenty-three millions, seven hundred and forty-seven thousand, eight hundred and sixty-four dollars and sixty-six cents; from sales of public lands, two millions, four hundred and ninety-eight thousand, three hundred and thirty-five dollars and twenty cents; and from incidental and miscellaneous sources, one hundred thousand, five hundred and seventy dollars and fifty-one cents. The last fiscal year during which this amount was received embraced five months under the operation of the tariff act of 1842, and seven months during which the tariff act of 1846, was in force. During the five months under the act of 1842, the amount received from customs was seven millions, eight hundred and forty-two thousand, three hundred and six dollars and ninety cents, and during the seven months under the act of 1846, the amount received was fifteen millions, nine hundred and five thousand, five hundred and fifty-seven dollars and seventy-six cents.

The net revenue from customs during the year ending on the first of December, 1846, being the last year under the operation of the tariff act of 1842, was twenty-two millions, nine hundred and seventy-one thousand, four hundred and three dollars and ten cents; and the net revenue from customs during the year ending on the first of December, 1847, being the first year under the operation of the tariff act of 1846, was about thirty-one millions, five hundred thousand dollars; being an increase of revenue for the first year under the tariff of 1846, of more than eight millions, five hundred thousand dollars over that of the last year under the tariff of 1842.

The expenditures during the fiscal year ending on the thirtieth of June last, were fifty-nine millions, four hundred and fifty-one thousand, one hun-

dred and seventy-seven dollars and sixty-five cents ; of which three millions, five hundred and twenty-two thousand and eighty-two dollars and thirty-seven cents, was on account of payment of principal and interest of the public debt, including treasury-notes redeemed and not funded. The expenditures, exclusive of payment of public debt, were fifty-five millions, nine hundred and twenty-nine thousand, and ninety-five dollars and twenty-eight cents.

It is estimated that the receipts into the treasury for the fiscal year ending on the thirtieth of June, 1848, including the balance in the treasury on the first of July last, will amount to forty-two millions, eight hundred and eighty-six thousand, five hundred and forty-five dollars and eighty cents, of which thirty-one millions, it is estimated, will be derived from customs ; three millions, five hundred thousand, from the sale of the public lands ; four hundred thousand from incidental sources, including sales made by the solicitor of the treasury ; and six millions, two hundred and eighty-five thousand, two hundred and ninety-four dollars and fifty-five cents from loans already authorized by law, which, together with the balance in the treasury on the first of July last, make the sum estimated.

The expenditures for the same period, if the peace with Mexico shall not be concluded, and the army shall be increased as is proposed, will amount, including the necessary payments on account of principal and interest of the public debt and treasury-notes, to fifty-eight millions, six hundred and fifteen thousand, six hundred and sixty dollars, and seven cents.

On the first of the present month, the amount of the public debt actually incurred, including treasury-notes, was forty-five millions, six hundred and fifty-nine thousand, six hundred and fifty-nine dollars and forty cents. The public debt due on the fourth of March, 1845, including treasury-notes, was seventeen millions, seven hundred and eighty-eight thousand, seven hundred and ninety-nine dollars and sixty-two cents ; and consequently the addition made to the public debt since that time is twenty-seven millions, eight hundred and seventy thousand, eight hundred and fifty-nine dollars and seventy-eight cents.

Of the loan of twenty-three millions, authorized by the act of the twenty-eighth of January, 1847, the sum of five millions was paid out to the public creditors, or exchanged at par for specie ; the remaining eighteen millions was offered for specie to the highest bidder not below par, by an advertisement issued by the secretary of the treasury, and published from the ninth of February until the tenth of April, 1847, when it was awarded to the several highest bidders, at premiums varying from one eighth of one per cent. to two per cent. above par. The premium has been paid into the treasury, and the sums awarded deposited in specie in the treasury as fast as it was required by the wants of the government.

To meet the expenditures for the remainder of the present and for the next fiscal year, ending on the thirtieth of June, 1849, a further loan, in aid of the ordinary revenues of the government, will be necessary. Retaining a sufficient surplus in the treasury, the loan required for the remainder of the present fiscal year will be about eighteen millions, five hundred thousand dollars. If the duty on tea and coffee be imposed, and the graduation of the price of the public lands shall be made at an early period of your session, as recommended, the loan for the present fiscal year may be reduced to seventeen millions of dollars. The loan may be further reduced by whatever amount of expenditures can be saved by military con-

tributions collected in Mexico. The most vigorous measures for the augmentation of these contributions have been directed, and a very considerable sum is expected from that source. Its amount can not, however, be calculated with any certainty. It is recommended that the loan to be made be authorized upon the same terms, and for the same time, as that which was authorized under the provisions of the act of the twenty-eighth of January, 1847.

Should the war with Mexico be continued until the thirtieth of June, 1849, it is estimated that a further loan of twenty millions, five hundred thousand dollars will be required for the fiscal year ending on that day, in case no duty be imposed on tea and coffee, and the public lands be not reduced and graduated in price, and no military contributions shall be collected in Mexico. If the duty on tea and coffee be imposed, and the lands be reduced and graduated in price as proposed, the loan may be reduced to seventeen millions of dollars, and will be subject to be still further reduced by the amount of the military contributions which may be collected in Mexico. It is not proposed, however, at present, to ask Congress for authority to negotiate this loan for the next fiscal year, as it is hoped that the loan asked for the remainder of the present fiscal year, aided by military contributions which may be collected in Mexico, may be sufficient. If, contrary to my expectation, there should be a necessity for it, the fact will be communicated to Congress in time for their action during the present session. In no event will a sum exceeding six millions of dollars of this amount be needed before the meeting of the session of Congress in December, 1848.

The act of the thirtieth of July, 1846, "reducing the duties on imports," has been in force since the first of December last; and I am gratified to state, that all the beneficial effects which were anticipated from its operation have been fully realized. The public revenue derived from customs during the year ending on the first of December, 1847, exceeds by more than eight millions of dollars the amount received in the preceding year, under the operation of the act of 1842, which was superseded and repealed by it. Its effects are visible in the great and almost unexampled prosperity which prevails in every branch of business.

While the repeal of the prohibitory and restrictive duties of the act of 1842, and the substitution in their place of reasonable revenue rates levied on articles imported according to their actual value, have increased the revenue and augmented our foreign trade, all the great interests of the country have been advanced and promoted.

The great and important interests of agriculture, which had been not only too much neglected, but actually taxed under the protective policy for the benefit of other interests, have been relieved of the burdens which that policy imposed on them: and our farmers and planters, under a more just and liberal commercial policy, are finding new and profitable markets abroad for their augmented products.

Our commerce is rapidly increasing, and is extending more widely the circle of international exchanges. Great as has been the increase of our imports during the past year, our exports of domestic products sold in foreign markets have been still greater.

Our navigating interest is eminently prosperous. The number of vessels built in the United States has been greater than during any preceding period of equal length. Large profits have been derived by those who have constructed, as well as by those who have navigated them. Should

the ratio of increase in the number of our merchant-vessels be progressive, and be as great for the future as during the past year, the time is not distant when our tonnage and commercial marine will be larger than that of any other nation in the world.

While the interests of agriculture, of commerce, and of navigation, have been enlarged and invigorated, it is highly gratifying to observe that our manufactures are also in a prosperous condition. None of the ruinous effects upon this interest, which were apprehended by some, as the result of the operation of the revenue system established by the act of 1846, have been experienced. On the contrary, the number of manufactories, and the amount of capital invested in them, is steadily and rapidly increasing, affording gratifying proofs that American enterprise and skill employed in this branch of domestic industry, with no other advantages than those fairly and incidentally accruing from a just system of revenue duties, are abundantly able to meet successfully all competition from abroad, and still derive fair and remunerating profits.

While capital invested in manufactures is yielding adequate and fair profits under the new system, the wages of labor, whether employed in manufactures, agriculture, commerce, or navigation, have been augmented. The toiling millions, whose daily labor furnishes the supply of food and raiment, and all the necessities and comforts of life, are receiving higher wages, and more steady and permanent employment, than in any other country, or at any previous period of our own history.

So successful have been all branches of our industry, that a foreign war, which generally diminishes the resources of a nation, has in no essential degree retarded our onward progress, or checked our general prosperity.

With such gratifying evidences of prosperity, and of the successful operation of the revenue act of 1846, every consideration of public policy recommends that it shall remain unchanged. It is hoped that the system of impost duties which it established may be regarded as the permanent policy of the country, and that the great interests affected by it may not again be subject to be injuriously disturbed, as they have heretofore been, by frequent and sometimes sudden changes.

For the purpose of increasing the revenue, and without changing or modifying the rates imposed by the act of 1846, on the dutiable articles embraced by its provisions, I again recommend to your favorable consideration the expediency of levying a revenue duty on tea and coffee. The policy which exempted these articles from duty during peace, and when the revenue to be derived from them was not needed, ceases to exist when the country is engaged in war, and requires the use of all of its available resources. It is a tax which would be so generally diffused among the people, that it would be felt oppressively by none, and be complained of by none. It is believed that there are not, in the list of imported articles, any which are more properly the subject of war-duties than tea and coffee.

It is estimated that three millions of dollars would be derived annually by a moderate duty imposed on these articles.

Should Congress avail itself of this additional source of revenue, not only would the amount of the public loan rendered necessary by the war with Mexico be diminished to that extent, but the public credit, and the public confidence in the ability and determination of the government to meet all its engagements promptly, would be more firmly established, and the reduced amount of the loan which it may be necessary to negotiate could probably be obtained at cheaper rates.



Congress is, therefore, called upon to determine whether it is wiser to impose the war-duties recommended, or, by omitting to do so, increase the public debt annually three millions of dollars so long as loans shall be required to prosecute the war, and afterward provide, in some other form, to pay the semi-annual interest upon it, and ultimately to extinguish the principal. If, in addition to these duties, Congress should graduate and reduce the price of such of the public lands as experience has proved will not command the price placed upon them by the government, an additional annual income to the treasury of between half a million and a million of dollars, it is estimated would be derived from this source. Should both measures receive the sanction of Congress, the annual amount of public debt necessary to be contracted during the continuance of the war would be reduced near four millions of dollars. The duties recommended to be levied on tea and coffee, it is proposed shall be limited in their duration to the end of the war, and until the public debt rendered necessary to be contracted by it shall be discharged. The amount of the public debt to be contracted should be limited to the lowest practicable sum, and should be extinguished as early after the conclusion of the war as the means of the treasury will permit.

With this view, it is recommended that as soon as the war shall be over, all the surplus in the treasury, not needed for other indispensable objects, shall constitute a sinking fund, and be applied to the purchase of the funded debt, and that authority be conferred by law for that purpose.

The act of the sixth of August, 1846, "to establish a warehousing system," has been in operation more than a year, and has proved to be an important auxiliary to the tariff act of 1846, in augmenting the revenue and extending the commerce of the country. While it has tended to enlarge commerce, it has been beneficial to our manufactures, by diminishing forced sales at auction of foreign goods at low prices, to raise the duties to be advanced on them, and by checking fluctuations in the market. The system, although sanctioned by the experience of other countries, was entirely new in the United States, and is susceptible of improvement in some of its provisions. The secretary of the treasury, upon whom was devolved large discretionary powers in carrying this measure into effect, has collected, and is now collating, the practical results of the system in other countries, where it has long been established, and will report at an early period of your session such further regulations suggested by the investigation as may render it still more effective and beneficial.

By the act "to provide for the better organization of the treasury, and for the collection, safekeeping, and disbursement of the public revenue," all banks were discontinued as fiscal agents of the government, and the paper currency issued by them was no longer permitted to be received in payment of public dues.

The constitutional treasury created by this act went into operation on the first day of January last. Under the system established by it, the public moneys have been collected, safely kept, and disbursed, by the direct agency of officers of the government in gold and silver; and transfers of large amounts have been made from points of collection to points of disbursement, without loss to the treasury, or injury or inconvenience to the trade of the country.

While the fiscal operations of the government have been conducted with regularity and ease under this system, it has had a salutary effect in checking and preventing an undue inflation of the paper currency issued

by the banks which exist under state charters. Requiring, as it does, all dues to the government to be paid in gold and silver, its effect is to restrain excessive issues of bank paper by the banks disproportioned to the specie in their vaults, for the reason that they are at all times liable to be called on by the holders of their notes for their redemption, in order to obtain specie for the payment of duties and other public dues. The banks, therefore, must keep their business within prudent limits, and be always in a condition to meet such calls, or run the hazard of being compelled to suspend specie payments, and be thereby discredited. The amount of specie imported into the United States during the last fiscal year was twenty-four millions, one hundred and twenty-one thousand, two hundred and eighty-nine dollars; of which there was retained in the country twenty-two millions, two hundred and seventy-six thousand, one hundred and seventy dollars. Had the former financial system prevailed, and the public moneys been placed on deposit in the banks, nearly the whole of this amount would have gone into their vaults, not to be thrown into circulation by them, but to be withheld from the hands of the people as a currency, and made the basis of new and enormous issues of bank paper. A large proportion of the specie imported has been paid into the treasury for public dues; and after having been, to a great extent, recoined at the mint, has been paid out to the public creditors and gone into circulation as a currency among the people. The amount of gold and silver coin now in circulation in the country is larger than at any former period.

The financial system established by the constitutional treasury has been, thus far, eminently successful in its operations, and I recommend an adherence to all its essential provisions, and especially to that vital provision which wholly separates the government from all connexion with banks, and excludes bank paper from all revenue receipts.

In some of its details, not involving its general principles, the system is defective, and will require modification. These defects, and such amendments as are deemed important, were set forth in the last annual report of the secretary of the treasury. These amendments are again recommended to the early and favorable consideration of Congress.

During the past year, the coinage at the mint and its branches has exceeded twenty millions of dollars. This has consisted chiefly in converting the coins of foreign countries into American coin.

The largest amount of foreign coin imported has been received at New York; and if a branch mint were established at that city, all the foreign coin received at that port could at once be converted into our own coin, without the expense, risk, and delay, of transporting it to the mint for that purpose, and the amount recoined would be much larger.

Experience has proved that foreign coin, and especially foreign gold coin, will not circulate extensively as a currency among the people. The important measure of extending our specie circulation, of both gold and silver, and of diffusing it among the people, can only be effected by converting such foreign coin into American coin. I repeat the recommendation contained in my last annual message for the establishment of a branch of the mint of the United States at the city of New York.

All the public lands which had been surveyed and were ready for market have been proclaimed for sale during the past year. The quantity offered and to be offered for sale, under proclamations issued since the first of January last, amounts to nine millions, one hundred and thirty-eight thousand, five hundred and thirty-one acres. The prosperity of the

western states and territories in which these lands lie will be advanced by their speedy sale. By withholding them from market, their growth and increase of population would be retarded, while thousands of our enterprising and meritorious frontier population would be deprived of the opportunity of securing freeholds for themselves and their families. But in addition to the general considerations which rendered the early sale of these lands proper, it was a leading object at this time to derive as large a sum as possible from this source, and thus diminish, by that amount, the public loan rendered necessary by the existence of a foreign war.

It is estimated that not less than ten millions of acres of the public lands will be surveyed and be in a condition to be proclaimed for sale during the year 1848.

In my last annual message I presented the reasons which, in my judgment, rendered it proper to graduate and reduce the price of such of the public lands as have remained unsold for long periods after they had been offered for sale at public auction.

Many millions of acres of public lands lying within the limits of several of the western states have been offered in the market, and been subject to sale at private entry for more than twenty years, and large quantities for more than thirty years, at the lowest price prescribed by the existing laws, and it has been found that they will not command that price. They must remain unsold and uncultivated for an indefinite period, unless the price demanded for them by the government shall be reduced. No satisfactory reason is perceived why they should be longer held at rates above their real value. At the present period an additional reason exists for adopting the measure recommended. When the country is engaged in a foreign war, and we must necessarily resort to loans, it would seem to be the dictate of wisdom that we should avail ourselves of all our resources, and thus limit the amount of the public indebtedness to the lowest possible sum.

I recommend that the existing laws on the subject of pre-emption rights be amended and modified so as to operate prospectively, and to embrace all who may settle upon the public lands and make improvements upon them, before they are surveyed as well as afterward, in all cases where such settlements may be made after the Indian title shall have been extinguished.

If the right of pre-emption be thus extended, it will embrace a large and meritorious class of our citizens. It will increase the number of small freeholders upon our borders, who will be enabled thereby to educate their children and otherwise improve their condition, while they will be found at all times, as they have ever proved themselves to be, in the hour of danger to their country, among our hardiest and best volunteer soldiers, ever ready to tender their services in cases of emergency, and among the last to leave the field as long as an enemy remains to be encountered. Such a policy will also impress these patriotic pioneer emigrants with deeper feelings of gratitude for the parental care of their government, when they find their dearest interests secured to them by the permanent laws of the land, and that they are no longer in danger of losing their homes and hard-earned improvements by being brought into competition with a more wealthy class of purchasers at the land sales.

The attention of Congress was invited, at their last and the preceding session, to the importance of establishing a territorial government over our possessions in Oregon; and it is to be regretted that there was no

legislation on the subject. Our citizens who inhabit that distant region of country are still left without the protection of our laws, or any regularly-organized government. Before the question of limits and boundaries of the territory of Oregon was definitely settled, from the necessity of their condition, the inhabitants had established a temporary government of their own. Besides the want of legal authority for continuing such a government, it is wholly inadequate to protect them in their rights of person and property, or to secure to them the enjoyment of the privileges of other citizens, to which they are entitled under the constitution of the United States. They should have the right of suffrage, be represented in a territorial legislature, and by a delegate in Congress; and possess all the rights and privileges which citizens of other portions of the territories of the United States have heretofore enjoyed or may now enjoy.

Our judicial system, revenue laws, laws regulating trade and intercourse with the Indian tribes, and the protection of our laws generally, should be extended over them.

In addition to the inhabitants in that territory who had previously emigrated to it, large numbers of our citizens have followed them during the present year; and it is not doubted that during the next and subsequent years their numbers will be greatly increased.

Congress, at its last session, established post-routes leading to Oregon, and between different points within that territory, and authorized the establishment of postoffices at "Astoria and such other places on the coasts of the Pacific, within the territory of the United States, as the public interests may require." Postoffices have accordingly been established, deputy postmasters appointed, and provision made for the transportation of the mails.

The preservation of peace with the Indian tribes residing west of the Rocky mountains will render it proper that authority should be given by law for the appointment of an adequate number of Indian agents to reside among them.

I recommend that a surveyor-general's office be established in that territory, and that the public lands be surveyed and brought into market at an early period.

I recommend, also, that grants, upon liberal terms, of limited quantities of the public lands be made to all citizens of the United States who have emigrated, or may hereafter within a prescribed period emigrate, to Oregon, and settle upon them. These hardy and adventurous citizens, who have encountered the dangers and privations of a long and toilsome journey, and have at length found an abiding-place for themselves and their families upon the utmost verge of our western limits, should be secured in the homes which they have improved by their labor.

I refer you to the accompanying report of the secretary of war for a detailed account of the operations of the various branches of the public service connected with the department under his charge. The duties devolving on this department have been unusually onerous and responsible during the past year, and have been discharged with ability and success.

Pacific relations continue to exist with the various Indian tribes, and most of them manifest a strong friendship for the United States. Some depredations were committed during the past year upon our trains transporting supplies for the army, on the road between the western border of Missouri and Santa Fe. These depredations, which are supposed to have been committed by bands from the region of New Mexico, have been ar-

rested by the presence of a military force, ordered out for that purpose. Some outrages have been perpetrated by a portion of the northwestern bands upon the weaker and comparatively defenceless neighboring tribes. Prompt measures were taken to prevent such occurrences in future.

Between one and two thousand Indians, belonging to several tribes, have been removed during the past year, from the east of the Mississippi, to the country allotted to them west of that river, as their permanent home; and arrangements have been made for others to follow.

Since the treaty of 1846 with the Cherokees, the feuds among them appear to have subsided, and they have become more united and contented than they have been for many years past. The commissioners appointed in pursuance of the act of June twenty-seventh, 1846, to settle claims arising under the treaty of 1835-'36, with that tribe, have executed their duties; and after a patient investigation, and a full and fair examination of all the cases brought before them, closed their labors in the month of July last. This is the fourth board of commissioners which has been organized under this treaty. Ample opportunity has been afforded to all those interested to bring forward their claims. No doubt is entertained that impartial justice has been done by the late board, and that all valid claims embraced by the treaty have been considered and allowed. This result, and the final settlement to be made with this tribe, under the treaty of 1846, which will be completed and laid before you during your session, will adjust all questions of controversy between them and the United States, and produce a state of relations with them, simple, well-defined, and satisfactory.

Under the discretionary authority conferred by the act of the third of March last, the annuities due to the various tribes have been paid during the present year to the heads of families instead of to their chiefs, or such persons as they might designate, as required by the law previously existing. This mode of payment has given general satisfaction to the great body of the Indians. Justice has been done to them, and they are grateful to the government for it. A few chiefs and interested persons may object to this mode of payment, but it is believed to be the only mode of preventing fraud and imposition from being practised upon the great body of common Indians, constituting a majority of all the tribes.

It is gratifying to perceive that a number of the tribes have recently manifested an increased interest in the establishment of schools among them, and are making rapid advances in agriculture—some of them producing a sufficient quantity of food for their support, and in some cases a surplus to dispose of to their neighbors. The comforts by which those who have received even a very limited education, and have engaged in agriculture, are surrounded, tend gradually to draw off their less-civilized brethren from the precarious means of subsistence by the chase, to habits of labor and civilization.

The accompanying report of the secretary of the navy presents a satisfactory and gratifying account of the condition and operations of the naval service during the past year. Our commerce has been pursued with increased activity, and with safety and success, in every quarter of the globe under the protection of our flag, which the navy has caused to be respected in the most distant seas.

In the gulf of Mexico, and in the Pacific, the officers and men of our squadrons have displayed distinguished gallantry, and performed valuable services. In the early stages of the war with Mexico, her ports on both

coasts were blockaded, and more recently many of them have been captured and held by the navy. When acting in co-operation with the land forces, the naval officers and men have performed gallant and distinguished services on land as well as on water, and deserve the high commendation of the country.

While other maritime powers are adding to their navies large numbers of war-steamers, it was a wise policy on our part to make similar additions to our navy. The four war-steamers authorized by the act of the third of March, 1847, are in course of construction.

In addition to the four war-steamers authorized by this act, the secretary of the navy has, in pursuance of its provisions, entered into contracts for the construction of five steamers to be employed in the transportation of the United States mail "from New York to New Orleans, touching at Charleston, Savannah, and Havana, and from Havana to Chagres;" for three steamers to be employed in like manner from Panama to Oregon, "so as to connect with the mail from Havana to Chagres across the isthmus;" and for five steamers to be employed in like manner from New York to Liverpool. These steamers will be the property of the contractors, but are to be built, "under the superintendence and direction of a naval constructor in the employ of the navy department, and to be so constructed as to render them convertible, at the least possible expense, into war-steamers of the first class."

A prescribed number of naval officers, as well as a postoffice agent, are to be on board of them; and authority is reserved to the navy department at all times to "exercise control over said steamships," and "to have the right to take them for the exclusive use and service of the United States upon making proper compensation to the contractors therefor."

While these steamships will be employed in transporting the mails of the United States coastwise, and to foreign countries, upon an annual compensation to be paid to the owners, they will be always ready, upon an emergency requiring it, to be converted into war-steamers; and the right reserved to take them for public use will add greatly to the efficiency and strength of this description of our naval force. To the steamers thus authorized under contracts made by the secretary of the navy, should be added five other steamers authorized under contracts made in pursuance of law by the postmaster-general; making an addition, in the whole, of eighteen war-steamers, subject to be taken for public use. As further contracts for the transportation of the mail to foreign countries may be authorized by Congress, this number may be enlarged indefinitely.

The enlightened policy by which a rapid communication with the various distant parts of the globe is established, by means of American-built sea-steamers, would find an ample reward in the increase of our commerce, and in making our country and its resources more favorably known abroad; but the national advantage is still greater—of having our naval officers made familiar with steam-navigation, and of having the privilege of taking the ships already equipped for immediate service at a moment's notice; and will be cheaply purchased by the compensation to be paid for the transportation of the mail in them over and above the postage received.

A just and national pride, no less than our commercial interests, would seem to favor the policy of augmenting the number of this description of

vessels. They can be built in our country cheaper and in greater numbers than in any other in the world.

I refer you to the accompanying report of the postmaster-general for a detailed and satisfactory account of the condition and operations of that department during the past year. It is gratifying to find that, within so short a period after the reduction in the rates of postage, and notwithstanding the great increase of mail-service, the revenue received for the year will be sufficient to defray all the expenses, and that no further aid will be required from the treasury for that purpose.

The first of the American mail-steamers authorized by the act of the third of March, 1845, was completed and entered upon the service on the first of June last, and is now on her third voyage to Bremen, and other intermediate ports. The other vessels authorized under the provisions of that act are in course of construction, and will be put upon the line as soon as completed. Contracts have also been made for the transportation of the mail in a steamer from Charleston to Havana.

A reciprocal and satisfactory postal arrangement has been made by the postmaster-general with the authorities of Bremen, and no difficulty is apprehended in making similar arrangements with all other powers with which we may have communications by mail-steamers, except with Great Britain.

On the arrival of the first of the American steamers, bound to Bremen, at Southampton, in the month of June last, the British postoffice directed the collection of discriminating postages on all letters and other mailable matter, which she took out to Great Britain, or which went into the British postoffice on their way to France and other parts of Europe. The effect of the order of the British postoffice is to subject all letters and other matter transported by American steamers to double postage, one postage having been previously paid on them to the United States, while letters transported in British steamers are subject to pay but a single postage. This measure was adopted with the avowed object of protecting the British line of mail-steamers now running between Boston and Liverpool, and if permitted to continue, must speedily put an end to the transportation of all letters and other matter by American steamers, and give to British steamers a monopoly of the business. A just and fair reciprocity is all that we desire, and on this we must insist. By our laws, no such discrimination is made against British steamers bringing letters into our ports, but all letters arriving in the United States are subject to the same rate of postage, whether brought in British or American vessels. I refer you to the report of the postmaster-general for a full statement of the facts of the case, and of the steps taken by him to correct this inequality. He has exerted all the power conferred upon him by the existing laws.

The minister of the United States at London, has brought the subject to the attention of the British government, and is now engaged in negotiations for the purpose of adjusting reciprocal postal arrangements, which shall be equally just to both countries. Should he fail in concluding such arrangements, and should Great Britain insist on enforcing the unequal and unjust measure she has adopted, it will become necessary to confer additional powers on the postmaster-general, in order to enable him to meet the emergency, and to put our own steamers on an equal footing with British steamers engaged in transporting the mails between the two countries; and I recommend that such powers be conferred.

In view of the existing state of our country, I trust it may not be inap-

propriate, in closing this communication, to call to mind the words of wisdom and admonition of the first and most illustrious of my predecessors, in his farewell address to his countrymen.

That greatest and best of men, who served his country so long, and loved it so much, foresaw, with "serious concern," the danger to our Union "of characterizing parties by geographical discriminations—northern and southern, Atlantic and western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views," and warned his countrymen against it.

So deep and solemn was his conviction of the importance of the Union and of preserving harmony between its different parts, that he declared to his countrymen in that address, "it is of infinite moment that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and to speak of it as a palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts."

After the lapse of half a century, these admonitions of Washington fall upon us with all the force of truth. It is difficult to estimate the "immense value" of our glorious Union of confederated states, to which we are so much indebted for our growth in population and wealth, and for all that constitutes us a great and a happy nation. How unimportant are all our differences of opinion upon minor questions of public policy, compared with its preservation; and how scrupulously should we avoid all agitating topics which may tend to distract and divide us into contending parties, separated by geographical lines, whereby it may be weakened or endangered.

Invoking the blessing of the Almighty Ruler of the Universe upon your deliberations, it will be my highest duty, no less than my sincere pleasure, to co-operate with you in all measures which may tend to promote the honor and enduring welfare of our common country.

## INTERNAL IMPROVEMENT MESSAGE

DECEMBER 15, 1847.

*To the House of Representatives :—*

ON the last day of the last session of Congress, a bill, entitled "An act to provide for continuing certain works in the territory of Wisconsin, and for other purposes," which had passed both houses, was presented to me for my approval. I entertained insuperable objections to its becoming a law; but the short period of the session which remained afforded me no sufficient opportunity to prepare my objections, and communicate them, with the bill, to the house of representatives, in which it originated. For this reason the bill was retained; and I deem it proper now to state my objections to it.

Although, from the title of the bill, it would seem that its main object



was to make provision for continuing certain works already commenced in the territory of Wisconsin, it appears, on examination of its provisions, that it contains only a single appropriation of six thousand dollars to be applied within that territory, while it appropriates more than half a million of dollars for the improvement of numerous harbors and rivers lying within the limits and jurisdiction of several of the states of the Union.

At the preceding session of Congress, it became my duty to return, with my objections, to the house in which it originated, a bill making similar appropriations, and involving like principles; and the views then expressed remain unchanged.

The circumstances under which this heavy expenditure of public money was proposed, were of imposing weight in determining upon its expediency. Congress had recognised the existence of war with Mexico, and, to prosecute it to "a speedy and successful termination," had made appropriations exceeding our ordinary revenues. To meet the emergency, and provide for the expenses of the government, a loan of twenty-three millions of dollars was authorized at the same session, which has since been negotiated. The practical effect of this bill, had it become a law, would have been to add the whole amount appropriated by it to the national debt. It would, in fact, have made necessary an additional loan to that amount, as effectually as if in terms it had required the secretary of the treasury to borrow the money therein appropriated. The main question in that aspect is, whether it is wise, while all the means and credit of the government are needed to bring the existing war to an honorable close, to impair the one and endanger the other, by borrowing money to be expended in a system of internal improvements capable of an expansion sufficient to swallow up the revenues, not only of our own country, but of the civilized world? It is to be apprehended that, by entering upon such a career at this moment, confidence, at home and abroad, in the wisdom and prudence of the government, would be so far impaired as to make it difficult, without an immediate resort to heavy taxation, to maintain the public credit and to preserve the honor of the nation and the glory of our arms in prosecuting the existing war to a successful conclusion. Had this bill become a law, it is easy to foresee that largely-increased demands upon the treasury would have been made at each succeeding session of Congress, for the improvements of numerous other harbors, bays, inlets, and rivers, of equal importance with those embraced by its provisions. Many millions would probably have been added to the necessary amount of the war debt, the annual interest on which must also have been borrowed, and finally a permanent national debt been fastened on the country and entailed on posterity.

The policy of embarking the federal government in a general system of internal improvements, had its origin but little more than twenty years ago. In a very few years, the applications to Congress for appropriations, in furtherance of such objects, exceeded two hundred millions of dollars. In this alarming crisis, President Jackson refused to approve and sign the Maysville road bill, the Wabash river bill, and other bills of similar character. His interposition put a check upon the new policy of throwing the cost of local improvements upon the national treasury, preserved the revenues of the nation for their legitimate objects, by which he was enabled to extinguish the then existing public debt, and to present to an admiring world the unprecedented spectacle, in modern times, of a nation free from debt, and advancing to greatness with unequalled strides, under

a government which was content to act within its appropriate sphere, in protecting the states and individuals in their own chosen career of improvement and of enterprise. Although the bill under consideration proposes no appropriation for a road or canal, it is not easy to perceive the difference in principle, or mischievous tendency, between appropriations for making roads and digging canals, and appropriations to deepen rivers and improve harbors. All are alike within the limits and jurisdiction of the states; and rivers and harbors, alone, open an abyss of expenditure sufficient to swallow up the wealth of the nation, and load it with a debt which may fetter its energies and tax its industry for ages to come.

The experience of several of the states, as well as that of the United States, during the period that Congress exercised the power of appropriating the public money for internal improvements, is full of eloquent warnings. It seems impossible, in the nature of the subject, as connected with local representation, that the several objects presented for improvement shall be weighed according to their respective merits, and appropriations confined to those whose importance would justify a tax on the whole community to effect their accomplishment.

In some of the states, systems of internal improvement have been projected, consisting of roads and canals, many of which taken separately, were not of sufficient public importance to justify a tax on the entire population of the state to effect their construction; and yet, by a combination of local interests operating on a majority of the legislature, the whole have been authorized, and the states plunged into heavy debts. To an extent so ruinous has this system of legislation been carried, in some portions of the Union, that the people have found it necessary to their own safety and prosperity to forbid their legislatures, by constitutional restrictions, to contract public debts for such purposes without their immediate consent.

If the abuse of power has been so fatal, in the states where the systems of taxation are direct, and the representatives responsible, at short periods, to small masses of constituents, how much greater danger of abuse is to be apprehended in the general government, whose revenues are raised by indirect taxation, and whose functionaries are responsible to the people in larger masses and for longer terms?

Regarding only objects of improvement of the nature of those embraced in this bill, how inexhaustible we shall find them. Let the imagination run along our coast from the river St. Croix to the Rio Grande, and trace every river emptying into the Atlantic and gulf of Mexico to its source; let it coast along our lakes, and ascend all their tributaries; let it pass to Oregon, and explore all its bays, inlets, and streams; and then let it raise the curtain of the future, and contemplate the extent of this republic, and the objects of improvement it will embrace, as it advances to its high destiny, and the mind will be startled at the immensity and danger of the power which the principle of this bill involves.

Already our confederacy consists of twenty-nine states. Other states may, at no distant period, be expected to be formed on the west of our present settlements. We own an extensive country in Oregon, stretching many hundreds of miles from east to west, and seven degrees of latitude from south to north. By the admission of Texas into the Union, we have recently added many hundreds of miles to our seacoast. In all this vast country, bordering on the Atlantic and Pacific, there are many thousands of bays, inlets, and rivers, equally entitled to appropriations for their improvement with the objects embraced in this bill.

We have seen, in our states, that the interests of individuals or neighborhoods, combining against the general interest, have involved their governments in debts and bankruptcy; and when the system prevailed in the general government, and was checked by President Jackson, it had begun to be considered the highest merit in a member of Congress to be able to procure appropriations of public money to be expended within his district or state, whatever might be the object. We should be blind to the experience of the past, if we did not see abundant evidences that, if this system of expenditure is to be indulged in, combinations of individual and local interests will be found strong enough to control legislation, absorb the revenues of the country, and plunge the government into a hopeless indebtedness.

What is denominated a harbor by this system, does not necessarily mean a bay, inlet, or arm of the sea, on the ocean or on our lake shores, on the margin of which may exist a commercial city or town, engaged in foreign or domestic trade; but is made to embrace waters where there is not only no such city or town, but no commerce of any kind. By it a bay, or sheet of shoal water, is called a *harbor*, and appropriations demanded from Congress to deepen it, with a view to draw commerce to it, or to enable individuals to build up a town or city on its margin, upon speculation, and for their own private advantage.

What is denominated a river, which may be improved, in the system, is equally undefined in its meaning. It may be the Mississippi, or it may be the smallest and most obscure and unimportant stream, bearing the name of river, which is to be found in any state in the Union.

Such a system is subject, moreover, to be perverted to the accomplishment of the worst of political purposes. During the few years it was in full operation, and which immediately preceded the veto of President Jackson of the Maysville road bill, instances were numerous of public men seeking to gain popular favor by holding out to the people interested in particular localities the promise of large disbursements of public money. Numerous reconnoissances and surveys were made during that period, for roads and canals through many parts of the Union, and the people in the vicinity of each were led to believe that their property would be enhanced in value, and they themselves be enriched, by the large expenditures which they were promised by the advocates of the system, should be made from the federal treasury in their neighborhoods. Whole sections of the country were thus sought to be influenced, and the system was fast becoming not only one of profuse and wasteful expenditure, but a potent political engine.

If the power to improve a harbor be admitted, it is not easy to perceive how the power to deepen every inlet on the ocean or the lakes, and make harbors where there are none, can be denied. If the power to clear out or deepen the channel of rivers near their mouths be admitted, it is not easy to perceive how the power to improve them to their fountain-head, and make them navigable to their sources, can be denied. Where shall the exercise of the power, if it be assumed, stop? Has Congress the power, when an inlet is deep enough to admit a schooner, to deepen it still more, so that it will admit ships of heavy burden? and has it not the power, when an inlet will admit a boat, to make it deep enough to admit a schooner? May it improve rivers deep enough already to float ships and steamboats? and has it no power to improve those which are navigable only for flatboats and barges? May the general government exercise

power and jurisdiction over the soil of a state consisting of rocks and sand-bars in the beds of its rivers? and may it not excavate a canal around its waterfalls, or across its lands, for precisely the same object?

Giving to the subject the most serious and candid consideration of which my mind is capable, I can not perceive any intermediate grounds. The power to improve harbors and rivers for purposes of navigation, by deepening or clearing out, by dams and sluices, by locking or canalling, must be admitted, without any other limitation than the discretion of Congress, or it must be denied altogether. If it be admitted, how broad and how susceptible of enormous abuses is the power thus vested in the general government! There is not an inlet of the ocean or the lakes, not a river, creek, or streamlet, within the states, which is not brought for this purpose within the power and jurisdiction of the general government.

Speculation, disguised under the cloak of public good, will call on Congress to deepen shallow inlets, that it may build up new cities on their shores, or to make streams navigable which nature has closed by bars and rapids, that it may sell at a profit its lands upon their banks. To enrich neighborhoods, by spending within them the moneys of the nation, will be the aim and boast of those who prize their local interests above the good of the nation, and millions upon millions will be abstracted by tariffs and taxes from the earnings of the whole people to foster speculation and subserve the objects of private ambition.

Such a system could not be administered with any approach to equality among the several states and sections of the Union. There is no equality among them in the objects of expenditure, and, if the funds were distributed according to the merits of those objects, some would be enriched at the expense of their neighbors. But a greater practical evil would be found in the art and industry by which appropriations would be sought and obtained. The most artful and industrious would be the most successful; the true interests of the country would be lost sight of in an annual scramble for the contents of the treasury; and the member of Congress who could procure the largest appropriations to be expended in his district would claim the reward of victory from his enriched constituents. The necessary consequence would be sectional discontents and hearburnings, increased taxation, and a national debt, never to be extinguished.

In view of these portentous consequences, I can not but think that this course of legislation should be arrested, even were there nothing to forbid it in the fundamental laws of our Union. This conclusion is fortified by the fact, that the constitution itself indicates a process by which harbors and rivers within the states may be improved—a process not susceptible of the abuses necessarily to flow from the assumption of the power to improve them by the general government; just in its operation, and actually practised upon, without complaint or interruption, during more than thirty years from the organization of the present government.

The constitution provides that "no state shall, without the consent of Congress, lay any duty of tonnage." With the "consent" of Congress, such duties may be levied, collected, and expended by the states. We are not left in the dark as to the objects of this reservation of power to the states. The subject was fully considered by the convention that framed the constitution. It appears, in Mr. Madison's report of the proceedings of that body, that one object of the reservation was, that the states should not be restrained from laying duties of tonnage for the purpose of clearing harbors. Other objects were named in the debates, and

among them the support of seamen. Mr. Madison, treating on this subject in the *Federalist*, declares that—"The restraint on the power of the states over imports and exports is enforced by all the arguments which prove the necessity of submitting the regulation of trade to the federal councils. It is needless, therefore, to remark further on this head, than that the manner in which the restraint is qualified seems well calculated at once to secure to the states a reasonable discretion in providing for the convenience of their imports and exports, and to the United States a reasonable check against the abuse of this discretion."

The states may lay tonnage-duties for clearing harbors, improving rivers, or for other purposes; but are restrained from abusing the power, because, before such duties can take effect, the "consent" of Congress must be obtained. Here is a safe provision for the improvement of harbors and rivers in the reserved powers of the states, and in the aid they may derive from duties of tonnage levied with the consent of Congress. Its safeguards are, that both the state legislatures and Congress have to concur in the act of raising the funds; that they are, in every instance, to be levied upon the commerce of those ports which are to profit by the proposed improvement; that no question of conflicting power or jurisdiction is involved; that the expenditure being in the hands of those who are to pay the money and be immediately benefited, will be more carefully managed and more productive of good than if the funds were drawn from the national treasury and disbursed by the officers of the general government; that such a system will carry with it no enlargement of federal power and patronage, and leave the states to be the sole judges of their own wants and interests, with only a conservative negative in Congress upon any abuse of the power which the states may attempt.

Under this wise system, the improvement of harbors and rivers was commenced, or rather continued, from the organization of the government under the present constitution. Many acts were passed by the several states levying duties of tonnage, and many were passed by Congress giving their consent to those acts. Such acts have been passed by Massachusetts, Rhode Island, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, and Georgia, and have been sanctioned by the consent of Congress. Without enumerating them all, it may be instructive to refer to some of them, as illustrative of the mode of improving harbors and rivers in the early periods of our government, as to the constitutionality of which there can be no doubt.

In January, 1790, the state of Rhode Island passed a law levying a tonnage-duty on vessels arriving in the port of Providence, "for the purpose of clearing and deepening the channel of Providence river, and making the same more navigable."

On the second of February, 1798, the state of Massachusetts passed a law levying a tonnage-duty on all vessels, whether employed in the foreign or coasting trade, which might enter into the Kennebunk river, for the improvement of the same, by "rendering the passage in and out of said river less difficult and dangerous."

On the first of April, 1805, the state of Pennsylvania passed a law levying a tonnage-duty on vessels, "to remove the obstructions to the navigation of the river Delaware, below the city of Philadelphia."

On the twenty-third of January, 1804, the state of Virginia passed a law levying a tonnage-duty on vessels, "for improving the navigation of James river."

On the twenty-second of February, 1826, the state of Virginia passed a law levying a tonnage-duty on vessels, for "improving the navigation of James river, from Warwick to Rockett's landing."

On the eighth of December, 1824, the state of Virginia passed a law levying a tonnage-duty on vessels, for "improving the navigation of Appomattox river, from Pocahontas bridge to Broadway."

In November, 1821, the state of North Carolina passed a law levying a tonnage-duty on vessels, "for the purpose of opening an inlet at the lower end of Albemarle sound, near a place called Nog's head, and improving the navigation of said sound, with its branches;" and in November, 1828, an amendatory law was passed.

On the twenty-first of December, 1804, the state of South Carolina passed a law levying a tonnage-duty, for the purpose of "building a marine hospital in the vicinity of Charleston;" and on the seventeenth of December, 1816, another law was passed by the legislature of that state for the "maintenance of a marine hospital."

On the tenth of February, 1787, the state of Georgia passed a law levying a tonnage-duty on all vessels entering into the port of Savannah, for the purpose of "clearing" the Savannah river of "wrecks and other obstructions" to the navigation.

On the twelfth of December, 1804, the state of Georgia passed a law levying a tonnage-duty on vessels, "to be applied to the payment of the fees of the harbor-master and health-officer of the ports of Savannah and St. Mary's."

In April, 1783, the state of Maryland passed a law levying a tonnage-duty on vessels, for the improvement of the "basin" and "harbor" of Baltimore and the "river Patapsco."

On the twenty-sixth of December, 1791, the state of Maryland passed a law levying a tonnage-duty on vessels for the improvement of the "harbor and port of Baltimore."

On the twenty-eighth of December, 1793, the state of Maryland passed a law authorizing the appointment of a health-officer for the port of Baltimore, and laying a tonnage-duty on vessels to defray the expenses.

Congress have passed many acts giving its "consent" to these and other state laws, the first of which is dated in 1790, and the last in 1843. By the latter act, the "consent" of Congress was given to the law of the legislature of the state of Maryland, laying a tonnage-duty on vessels, for the improvement of the harbor of Baltimore, and continuing it in force until the first day of June, 1850. I transmit herewith copies of such of the acts of the legislatures of the states on the subject, and also the acts of Congress giving its "consent" thereto, as have been collated.

That the power was constitutionally and rightfully exercised in these cases, does not admit of a doubt.

The injustice and inequality resulting from conceding the power to both governments, is illustrated by several of the acts enumerated. Take that for the improvement of the harbor of Baltimore. That improvement is paid for exclusively by a tax on the commerce of that city; but if an appropriation be made from the national treasury for the improvement of the harbor of Boston, it must be paid, in part, out of taxes levied on the commerce of Baltimore. The result is, that the commerce of Baltimore pays the full cost of the harbor improvement designed for its own benefit; and, in addition, contributes to the cost of all other harbor and river improvements in the Union. The facts need but be stated, to prove the inequality

and injustice which can not but flow from the practice imbodyed in this bill. Either the subject should be left as it was during the first third of a century, or the practice of levying tonnage-duties by the states should be abandoned altogether, and all harbor and river improvements made under the authority of the United States, and by means of direct appropriations. In view not only of the constitutional difficulty, but as a question of policy, I am clearly of opinion that the whole subject should be left to the states, aided by such tonnage-duties on vessels navigating their waters as their respective legislatures may think proper to propose, and Congress see fit to sanction. This "consent" of Congress would never be refused in any case where the duty proposed to be levied by the state was reasonable, and where the object of improvement was one of importance. The funds required for the improvement of harbors and rivers may be raised in this mode, as was done in the earlier periods of the government, and thus avoid a resort to a strained construction of the constitution, not warranted by its letter. If direct appropriations be made of the money in the federal treasury for such purposes, the expenditures will be unequal and unjust. The money in the federal treasury is paid by a tax on the whole people of the United States; and if applied to the purposes of improving harbors and rivers, it will be partially distributed, and be expended for the advantage of particular states, sections, and localities, at the expense of others.

By returning to the early and approved construction of the constitution, and to the practice under it, this inequality and injustice will be avoided, and, at the same time, all the really important improvements be made, and, as our experience has proved, be better made, and at less cost, than they would be by the agency of officers of the United States. The interests benefited by these improvements, too, would bear the cost of making them, upon the same principle that the expenses of the postoffice establishment have always been defrayed by those who derive benefits from it. The power of appropriating money from the treasury for such improvements was not claimed or exercised for more than thirty years after the organization of the government in 1789, when a more latitudinous construction was indicated, though it was not broadly asserted and exercised until 1825. Small appropriations were first made, in 1820 and 1821, for surveys. An act was passed on the third of March, 1823, authorizing the president to "cause an examination and survey to be made of the obstructions between the harbor of *Gloucester* and the harbor of *Squam*, in the state of Massachusetts," and of "the entrance of the harbor of the port of *Presque Isle*, in Pennsylvania," with a view to their removal, and a small appropriation was made to pay the necessary expenses. This appears to have been the commencement of harbor improvements by Congress, thirty-four years after the government went into operation under the present constitution. On the thirtieth of April, 1824, an act was passed making an appropriation of thirty thousand dollars, and directing "surveys and estimates to be made of the routes of such roads and canals" as the president "may deem of national importance, in a commercial or military point of view, or necessary for the transportation of the mails." This act evidently looked to the adoption of a general system of internal improvements, to embrace roads and canals as well as harbors and rivers. On the twenty-sixth of May, 1824, an act was passed making appropriations for "deepening the channel leading into the harbor of *Presque Isle*, in the state of Pennsylvania," and to "repair *Plymouth beach*, in the state of Massachusetts, and thereby prevent the harbor at that place from being destroyed."

President Monroe yielded his approval to these measures, though he entertained, and had, in a message to the house of representatives on the fourth of May, 1822, expressed the opinion that the constitution had not conferred upon Congress the power to "adopt and execute a system of internal improvements." He placed his approval upon the ground, not that Congress possessed the power to "adopt and execute" such a system, by virtue of any or all of the enumerated grants of power in the constitution, but upon the assumption that the power to make appropriations of the public money was limited and restrained only by the discretion of Congress. In coming to this conclusion, he avowed that, "in the more early stage of the government," he had entertained a different opinion. He avowed that his first opinion had been, that, "as the national government is a government of limited powers, it has no right to expend money except in the performance of acts authorized by the other specific grants, according to a strict construction of their powers;" and that the power to make appropriations gave to Congress no discretionary authority to apply the public money to any other purposes or objects except to "carry into effect the powers contained in the other grants." These sound views, which Mr. Monroe entertained "in the early stage of the government," he gave up in 1822, and declared that—

"The right of appropriation is nothing more than a right to apply the public money to this or that purpose. It has no incidental power, nor does it draw after it any consequences of that kind. All that Congress could do under it, in the case of internal improvements, would be to appropriate the money necessary to make them. For any act requiring legislative sanction or support, the state authority must be relied on. The condemnation of the land, if the proprietors refuse to sell it, the establishment of turnpikes and tolls, and the protection of the work when finished, must be done by the state. To these purposes the powers of the general government are believed to be utterly incompetent."

But it is impossible to conceive on what principle the power of appropriating the public money, when in the treasury, can be construed to extend to objects for which the constitution does not authorize Congress to levy taxes or imposts to raise money. The power of appropriation is but the consequence of the power to raise money; and the true inquiry is, whether Congress has the right to levy taxes for the object over which power is claimed.

During the four succeeding years, embraced by the administration of President Adams, the power not only to appropriate money, but to apply it, under the direction and authority of the general government, as well to the construction of roads as to the improvement of harbors and rivers, was fully asserted and exercised.

Among other acts assuming the power, was one passed on the twentieth of May, 1826, entitled "An act for improving certain harbors and the navigation of certain rivers and creeks, and for authorizing surveys to be made of certain bays, sounds, and rivers, therein mentioned." By that act, large appropriations were made, which were to be "applied, under the direction of the president of the United States," to numerous improvements in ten of the states. This act, passed thirty-seven years after the organization of the present government, contained the first appropriation ever made for improvement of a navigable river, unless it be small appropriations for examinations and surveys in 1820. During the residue of that administration, many other appropriations of a similar character, were made, embrac-



cing roads, rivers, harbors, and canals, and objects claiming the aid of Congress multiplied without number

This was the first breach effected in the barrier which the universal opinion of the framers of the constitution had for more than thirty years thrown in the way of the assumption of this power by Congress. The general mind of Congress and the country did not appreciate the distinction taken by President Monroe between the right to appropriate money for an object and the right to apply and expend it without the embarrassment and delay of applications to the state governments. Probably no instance occurred in which such an application was made, and the flood-gates being thus hoisted, the principle laid down by him was disregarded, and applications for aid from the treasury, virtually to make harbors as well as improve them, clear out rivers, cut canals, and construct roads, poured into Congress in torrents, until arrested by the veto of President Jackson. His veto of the Maysville road bill was followed up by his refusal to sign the "act making appropriations for building lighthouses, light-boats, beacons, and monuments, placing buoys, improving harbors, and directing surveys;" "An act authorizing subscriptions for stock in the Louisville and Portland canal company;" "An act for the improvement of certain harbors and the navigation of certain rivers;" and, finally, "An act to improve the navigation of the Wabash river." In his objections to the act last-named he says:—

"The desire to embark the federal government in works of internal improvement prevailed, in the highest degree, during the first session of the first Congress that I had the honor to meet in my present situation. When the bill authorizing a subscription on the part of the United States for stock in the Maysville and Lexington turnpike company passed the two houses, there had been reported by the committees on internal improvements bills containing appropriations for such objects, exclusive of those for the Cumberland road, and for harbors and lighthouses, to the amount of about one hundred and six millions of dollars. In this amount was included authority to the secretary of the treasury to subscribe for the stock of different companies to a great extent, and the residue was principally for the direct construction of roads by this government. In addition to these projects, which have been presented to the two houses under the sanction and recommendation of their respective committees on internal improvements, there were then still pending before the committees, and in memorials to Congress, presented but not referred, different projects for works of a similar character, the expense of which can not be estimated with certainty, but must have exceeded one hundred millions of dollars."

Thus, within the brief period of less than ten years after the commencement of internal improvements by the general government, the sum asked for from the treasury for various projects amounted to more than two hundred millions of dollars. President Jackson's powerful and disinterested appeals to his country appear to have put down for ever the assumption of power to make roads and cut canals, and to have checked the prevalent disposition to bring all rivers in any degree navigable within the control of the general government. But an immense field for expending the public money and increasing the power and patronage of this government was left open in the concession of even a limited power of Congress to improve harbors and rivers—a field which millions will not fertilize to the satisfaction of those local and speculating interests by which these projects are in general gotten up. There can not be a just and equal distri-

bution of public burdens and benefits under such a system, nor can the states be relieved from the danger of fatal encroachment, nor the United States from the equal danger of consolidation, otherwise than by an arrest of the system, and a return to the doctrines and practices which prevailed during the first thirty years of the government.

How forcibly does the history of this subject illustrate the tendency of power to concentration in the hands of the general government. The power to improve their own harbors and rivers was clearly reserved to the states, who were to be aided by tonnage-duties levied and collected by themselves, with the consent of Congress. For thirty-four years improvements were carried on under that system, and so careful was Congress not to interfere, under any implied power, with the soil or jurisdiction of the states, that they did not even assume the power to erect lighthouses or build piers without first purchasing the ground, with the consent of the states, and obtaining jurisdiction over it. At length, after the lapse of thirty-three years, an act is passed providing for the examination of certain obstructions at the mouth of one or two harbors almost unknown. It is followed by acts making small appropriations for the removal of those obstructions. The obstacles interposed by President Monroe, after conceding the power to appropriate, were soon swept away. Congress virtually assumed jurisdiction of the soil and waters of the states, without their consent, for the purposes of internal improvement; and the eyes of eager millions were turned from the state governments to Congress as the fountain whose golden streams were to deepen their harbors and rivers, level their mountains, and fill their valleys with canals. To what consequences this assumption of power was rapidly leading, is shown by the veto messages of President Jackson; and to what end it is again tending, is witnessed by the provisions of this bill, and bills of similar character.

In the proceedings and debates of the general convention which formed the constitution, and of the state conventions which adopted it, nothing is found to countenance the idea that the one intended to propose, or the others to concede, such a grant of power to the general government as the building up and maintaining of a system of internal improvements within the states necessarily implies. Whatever the general government may constitutionally create, it may lawfully protect. If it may make a road upon the soil of the states, it may protect it from destruction or injury by penal laws. So of canals, rivers, and harbors. If it may put a dam in a river, it may protect that dam from removal or injury, in direct opposition to the laws, authorities, and people, of the state in which it is situated. If it may deepen a harbor, it may, by its own laws, protect its agents and contractors from being driven from their work, even by the laws and authorities of the state. The power to make a road or canal, or to dig up the bottom of a harbor or river, implies a right in the soil of the state, and a jurisdiction over it, for which it would be impossible to find any warrant.

The states were particularly jealous of conceding to the general government any right of jurisdiction over their soil, and in the constitution restricted the exclusive legislation of Congress to such places as might be "purchased with the consent of the states in which the same shall be, for the erection of forts, magazines, dockyards, and other needful buildings." That the United States should be prohibited from purchasing lands within the states, without their consent, even for the most essential purposes of national defence, while left at liberty to purchase or seize them for roads,

canals, and other improvements of immeasurably-less importance, is not to be conceived.

A proposition was made in the convention to provide for the appointment of a "secretary of domestic affairs," and make it his duty, among other things, "to attend to the opening of roads and navigation, and the facilitating communications through the United States." It was referred to a committee, and that appears to have been the last of it. On a subsequent occasion, a proposition was made to confer on Congress the power to "provide for the cutting of canals, when deemed necessary," which was rejected by the strong majority of eight states to three. Among the reasons given for the rejection of this proposition, it was urged that "the expense in such cases will fall on the United States, and the benefits accrue to the places where the canals may be cut."

During the consideration of this proposition, a motion was made to enlarge the proposed power, for "cutting canals" into a power "to grant charters of incorporation, when the interest of the United States might require, and the legislative provisions of the individual states may be incompetent;" and the reason assigned by Mr. Madison for the proposed enlargement of the power was, that it would "secure an easy communication between the states, which the free intercourse now to be opened seemed to call for. The political obstacles being removed, a removal of the natural ones, as far as possible, ought to follow."

The original proposition and all the amendments were rejected, after deliberate discussion, not on the ground, as so much of that discussion as has been preserved indicates, that no direct grant was necessary, but because it was deemed inexpedient to grant it at all. When it is considered that some of the members of the convention, who afterward participated in the organization and administration of the government, advocated and practised upon a very liberal construction of the constitution, grasping at many high powers as implied in its various provisions, not one of them, it is believed, at that day claimed the power to make roads and canals, or improve rivers and harbors, or appropriate money for that purpose. Among our early statesmen of the strict-construction class, the opinion was universal, when the subject was first broached, that Congress did not possess the power, although some of them thought it desirable.

President Jefferson, in his message to Congress in 1806, recommended an amendment of the constitution, with the view to apply an anticipated surplus in the treasury "to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of the federal powers;" and he adds: "I suppose an amendment to the constitution, by consent of the states, necessary, because the objects now recommended are not among those enumerated in the constitution, and to which it permits the public moneys to be applied." In 1825, he repeated, in his published letters, the opinion that no such power has been conferred upon Congress.

President Madison, in a message to the house of representatives of the third of March, 1817, assigning his objections to a bill entitled "An act to set apart and pledge certain funds for internal improvements," declares, that "the power to regulate commerce among the several states can not include a power to construct roads and canals, and to *improve the navigation of water-courses*, in order to facilitate, promote, and secure, such commerce, without a latitude of construction departing from the ordinary im-

port of the terms, strengthened by the known inconveniences which doubtless led to the grant of this remedial power of Congress."

President Monroe, in a message to the house of representatives of the fourth of May, 1822, containing his objections to a bill entitled "An act for the preservation and repair of the Cumberland road," declares:—

"Commerce between independent powers or communities is universally regulated by duties and imposts. It was so regulated by the states before the adoption of this constitution, equally in respect to each other and to foreign powers. The goods and vessels employed in the trade are the only subjects of regulation. It can act on none other. A power, then, to impose such duties and imposts in regard to foreign nations, and to prevent any on the trade between the states, was the only power granted.

"If we recur to the causes which produced the adoption of this constitution, we shall find that injuries resulting from the regulation of trade by the states respectively, and the advantages anticipated from the transfer of the power to Congress, were among those which had the most weight. Instead of acting as a nation in regard to foreign powers, the states, individually, had commenced a system of restraint on each other, whereby the interests of foreign powers were promoted at their expense. If one state imposed high duties on the goods or vessels of a foreign power, to countervail the regulations of such power, the next adjoining states imposed lighter duties, to invite those articles into their ports, that they might be transferred thence into the other states, securing the duties to themselves. This contracted policy in some of the states was soon counteracted by others. Restraints were immediately laid on such commerce by the suffering states; and thus had grown up a state of affairs disorderly and unnatural, the tendency of which was to destroy the Union itself, and with it all hope of realizing those blessings which we had anticipated from the glorious revolution which had been so recently achieved. From this deplorable dilemma, or rather, certain ruin, we were happily rescued by the adoption of the constitution.

"Among the first and most important effects of this great revolution was the complete abolition of this pernicious policy. The states were brought together by the constitution, as to commerce, into one community, equally in regard to foreign nations and each other. The regulations that were adopted regarded us, in both respects, as one people. The duties and imposts that were laid on the vessels and merchandise of foreign nations, were all uniform throughout the United States; and in the intercourse between the states themselves, no duties of any kind were imposed other than between different ports and counties within the same state.

"This view is supported by a series of measures, all of a marked character, preceding the adoption of the constitution. As early as the year 1781, Congress recommended it to the states to vest in the United States a power to levy a duty of five per cent. on all goods imported from foreign countries into the United States, for the term of fifteen years. In 1783, this recommendation, with alterations as to the kind of duties, and an extension of this term to twenty-five years, was repeated and more earnestly urged. In 1784, it was recommended to the states to authorize Congress to prohibit, under certain modifications, the importation of goods from foreign powers into the United States for fifteen years. In 1785, the consideration of the subject was resumed, and a proposition presented in a new form, with an address to the states, explaining fully the principles on which a grant of the power to regulate trade was deemed indispensable.

In 1786, a meeting took place at Annapolis, of delegates from several of the states, on this subject, and on their report the convention was formed at Philadelphia, the ensuing year, from all the states, to whose deliberations we are indebted for the present constitution.

"In none of these measures was the subject of internal improvement mentioned, or even glanced at. Those of 1784, '85, '86, and '87, leading, step by step, to the adoption of the constitution, had in view only the obtaining of a power to enable Congress to regulate trade with foreign powers. It is manifest that the regulation of trade with the several states was altogether a secondary object, suggested by and adopted in connexion with the other. If the power necessary to this system of improvement is included under either branch of this grant, I should suppose that it was the first rather than the second. The pretension to it, however, under that branch, has never been set up. In support of the claim under the second, no reason has been assigned which appears to have the least weight."

Such is a brief history of the origin, progress, and consequences of a system which, for more than thirty years after the adoption of the constitution, was unknown. The greatest embarrassment upon the subject consists in the departure which has taken place from the early construction of the constitution, and the precedents which are found in the legislation of Congress in late years. President Jackson, in his veto of the Wabash river bill, declares, that "to inherent embarrassments have been added others, from the course of our legislation concerning it." In his vetoes on the Maysville road bill, the Rockville road bill, the Wabash river bill, and other bills of like character, he reversed the precedents which existed prior to that time on the subject of internal improvements. When our experience, observation, and reflection, have convinced us that a legislative precedent is either unwise or unconstitutional, it should not be followed.

No express grant of this power is found in the constitution. Its advocates have differed among themselves as to the source from which it is derived as an incident. In the progress of the discussions upon this subject, the power to regulate commerce seems now to be chiefly relied upon, especially in reference to the improvement of harbors and rivers.

In relation to the regulation of commerce, the language of the grant in the constitution is, "Congress shall have power to regulate commerce with foreign nations and among the several states, and with the Indian tribes." That to "regulate commerce" does not mean to make a road or dig a canal, or clear out a river, or deepen a harbor, would seem to be obvious to the common understanding. To "regulate" admits or affirms the pre-existence of the thing to be regulated. In this case it presupposes the existence of commerce, and of course the means by which and the channels through which commerce is carried on. It confers no creative power; it only assumes control over that which may have been brought into existence through other agencies, such as state legislation, and the industry and enterprise of individuals. If the definition of the word "regulate" is to include the provision of means to carry on commerce, then have Congress not only power to deepen harbors, clear out rivers, dig canals, and make roads, but also to build ships, railroad cars, and other vehicles, all of which are necessary to commerce. There is no middle ground. If the power to regulate can be legitimately construed into a power to create or facilitate, then not only the bays and harbors, but the roads and canals, and all the means of transporting merchandise among the several states,

are put at the disposition of Congress. This power to regulate commerce was construed and exercised immediately after the adoption of the constitution, and has been exercised to the present day, by prescribing general rules by which commerce should be conducted. With foreign nations it has been regulated by treaties, defining the rights of citizens and subjects, as well as by acts of Congress imposing duties and restrictions, embracing vessels, seamen, cargoes, and passengers. It has been regulated among the states by acts of Congress relating to the coasting trade, and the vessels employed therein, and for the better security of passengers in vessels propelled by steam, and by the removal of all restrictions upon internal trade. It has been regulated with the Indian tribes by our intercourse laws, prescribing the manner in which it shall be carried on. Thus each branch of this grant of power was exercised soon after the adoption of the constitution, and has continued to be exercised to the present day. If a more extended construction be adopted, it is impossible for the human mind to fix on a limit to the exercise of the power other than the will and discretion of Congress. It sweeps into the vortex of national power and jurisdiction, not only harbors and inlets, rivers, and little streams, but canals, turnpikes, and railroads—every species of improvement which can facilitate or create trade and intercourse “with foreign nations, among the several states, and with the Indian tribes.”

Should any great object of improvement exist in our widely-extended country, which can not be effected by means of tonnage-duties, levied by the states, with the concurrence of Congress, it is safer and wiser to apply to the states, in the mode prescribed by the constitution, for an amendment of that instrument, whereby the powers of the general government may be enlarged, with such limitations and restrictions as experience has shown to be proper, than to assume and exercise a power which has not been granted, or which may be regarded as doubtful in the opinion of a large portion of our constituents. This course has been recommended successively by Presidents Jefferson, Madison, Monroe, and Jackson; and I fully concur with them in opinion. If an enlargement of power should be deemed proper, it will unquestionably be granted by the states; if otherwise, it will be withheld; and, in either case, their decision should be final. In the meantime, I deem it proper to add, that the investigation of this subject has impressed me more strongly than ever with the solemn conviction that the usefulness and permanency of this government, and the happiness of the millions over whom it spreads its protection, will be best promoted by carefully abstaining from the exercise of all powers not clearly granted by the constitution.

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## SPECIAL MESSAGE.

JANUARY 4, 1848.

*To the House of Representatives of the United States:—*

I COMMUNICATE herewith a report of the secretary of war, with accompanying documents, being in addition to a report made on the twenty-seventh of February, 1847, in answer to a resolution of the house of representatives, of the first of that month, requesting the president “to communicate to the house of representatives all the correspondence with

General Taylor, since the commencement of hostilities with Mexico, which has not yet been published, and the publication of which may not be deemed detrimental to the public service; also, the correspondence of the quartermaster-general, in relation to transportation for General Taylor's army; also, the reports of Brigadier-Generals Hamer and Quitman, of the operations of their respective brigades on the twenty-first of September last" (1846).

## SPECIAL MESSAGE.

JANUARY 12, 1848.

*To the House of Representatives of the United States:—*

I HAVE carefully considered the resolution of the house of representatives of the fourth instant, requesting the president to communicate to that house "any instructions which may have been given to any of the officers of the army or navy of the United States, or other persons, in regard to the return of President General Lopez de Santa Anna, or any other Mexican, to the republic of Mexico prior or subsequent to the order of the president or secretary of war, issued in January, 1846, for the march of the army from the Nueces river, across the 'stupendous deserts' which intervene, to the Rio Grande; that the date of all such instructions, orders, and correspondence, be set forth, together with the instructions and orders issued to Mr. Slidell at any time prior or subsequent to his departure for Mexico as minister plenipotentiary of the United States to that republic;" and requesting the president also to "communicate all the orders and correspondence of the government in relation to the return of General Paredes to Mexico."

I transmit herewith reports from the secretary of state, the secretary of war, and the secretary of the navy, with the documents accompanying the same, which contain all the information in the possession of the executive which it is deemed compatible with the public interests to communicate.

For further information relating to the return of Santa Anna to Mexico, I refer you to my annual message of December 8, 1846. The facts and considerations stated in that message induced the order of the secretary of the navy to the commander of our squadron in the gulf of Mexico, a copy of which is herewith communicated. This order was issued simultaneously with the order to blockade the coasts of Mexico, both bearing date the thirteenth of May, 1846, the day on which the existence of the war with Mexico was recognised by Congress. It was issued solely upon the views of policy presented in that message, and without any understanding on the subject, direct or indirect, with Santa Anna or any other person.

General Paredes evaded the vigilance of our combined forces by land and sea, and made his way back to Mexico from the exile into which he had been driven, landing at Vera Cruz after that city and the castle of San Juan de Ulloa were in our military occupation, as will appear from the accompanying reports and documents.

The resolution calls for the "instructions and orders issued by Mr. Slidell, at any time prior or subsequent to his departure for Mexico, as minister plenipotentiary of the United States to that republic." The custom-

ary and usual reservation contained in calls of either house of Congress upon the executive for information, relating to our intercourse with foreign nations, has been omitted in the resolution before me. The call of the house is unconditional. It is, that the information requested be communicated, and thereby be made public, whether, in the opinion of the executive (who is charged by the constitution with the duty of conducting negotiations with foreign powers), such information, when disclosed, would be prejudicial to the public interest or not. It has been a subject of serious deliberation with me whether I could, consistently with my constitutional duty and my sense of the public interests involved and to be affected by it, violate an important principle, always heretofore held sacred by my predecessors, as I should do by a compliance with the request of the house. President Washington, in a message to the house of representatives of the thirtieth of March, 1796, declined to comply with a request contained in a resolution of that body, to lay before them "a copy of the instructions to the minister of the United States who negotiated the treaty with the king of Great Britain," "together with the correspondence and other documents relative to said treaty, excepting such of the said papers as any existing negotiations may render improper to be disclosed." In assigning his reasons for declining to comply with the call, he declared that "the nature of foreign negotiations requires caution, and their success must often depend upon secrecy; and, even when brought to a conclusion, a full disclosure of all the measures, demands, and eventual concessions, which may have been proposed or contemplated, would be extremely impolitic; for this might have a pernicious influence on future negotiations, or produce immediate inconveniences, perhaps danger and mischief, in relation to other powers. The necessity of such caution and secrecy was one cogent reason for vesting the power of making treaties in the president, with the advice and consent of the senate—the principle on which that body was formed confining it to a small number of members. To admit, then, a right in the house of representatives to demand, and to have, as a matter of course, all the papers respecting a negotiation with a foreign power, would be to establish a dangerous precedent." In that case, the instructions and documents called for related to a treaty which had been concluded and ratified by the president and senate, and the negotiations in relation to it had been terminated. There was an express reservation, too, "excepting" from the call all such papers as related to "any existing negotiations" which it might be improper to disclose. In that case, President Washington deemed it to be a violation of an important principle, the establishment of a "dangerous precedent," and prejudicial to the public interests, to comply with the call of the house. Without deeming it to be necessary on the present occasion to examine or decide upon the other reasons assigned by him for his refusal to communicate the information requested by the house, the one which is herein recited is in my judgment conclusive in the case under consideration.

Indeed, the objections to complying with the request of the house contained in the resolution before me, are much stronger than those which existed in the case of the resolution in 1796. This resolution calls for the "instructions and orders" to the minister of the United States to Mexico, which relate to negotiations which have not been terminated, and which may be resumed. The information called for respects negotiations which the United States offered to open with Mexico immediately preceding the commencement of the existing war. The instructions given to



the minister of the United States relate to the differences between the two countries out of which the war grew, and the terms of adjustment which we were prepared to offer to Mexico in our anxiety to prevent the war. These differences still remain unsettled ; and to comply with the call of the house would be to make public, through that channel, and to communicate to Mexico, now a public enemy engaged in war, information which could not fail to produce serious embarrassment in any future negotiation between the two countries. I have heretofore communicated to Congress all the correspondence of the minister of the United States to Mexico which, in the existing state of our relations with that republic, can, in my judgment, be at this time communicated without serious injury to the public interest.

Entertaining this conviction, and with a sincere desire to furnish any information which may be in possession of the executive department, and which either house of Congress may at any time request, I regard it to be my constitutional right and my solemn duty, under the circumstances of this case, to decline a compliance with the request of the house contained in their resolution.

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### SPECIAL MESSAGE

JANUARY 21, 1848.

*To the Senate of the United States :—*

I COMMUNICATE herewith a report of the secretary of war, with the accompanying documents, in answer to the resolution of the senate, of the twenty-fourth instant, requesting to be furnished with "copies of the letters, reports, or other communications, which are referred to in the letter of General Zachary Taylor, dated at New Orleans, twentieth July, 1845, and addressed to the secretary of war ; and which are so referred to, as containing the views of General Taylor, previously communicated, in regard to the line proper to be occupied at that time by the troops of the United States ; and any similar communication, from any officer of the army, on the same subject."

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### SPECIAL MESSAGE.

JANUARY 24, 1848.

*To the Senate of the United States :—*

IN COMPLIANCE with the request of the senate, in their resolution of the thirteenth instant, I herewith communicate a report from the secretary of war, with the accompanying correspondence, containing the information called for, in relation to forced contributions in Mexico.

## SPECIAL MESSAGE.

FEBRUARY 2, 1848.

*To the Senate of the United States :—*

IN answer to a resolution of the senate of the thirteenth of January, 1848, calling for information on the subject of the negotiation between the commissioner of the United States and the commissioners of Mexico, during the suspension of hostilities after the battles of Contreras and Churubusco, I transmit a report from the secretary of state, and the documents which accompany it.

I deem it proper to add, that the invitation from the commissioner of the United States to submit the proposition of boundary, referred to in his despatch (No: 15) of the fourth of September, 1847, herewith communicated, was unauthorized by me, and was promptly disapproved; and this disapproval was communicated to the commissioner of the United States with the least possible delay.

## SPECIAL MESSAGE.

FEBRUARY 10, 1848.

*To the Senate of the United States :—*

IN answer to the resolution of the senate of the first instant, requesting to be informed whether "any taxes, duties, or imposts," have been "laid and collected upon goods and merchandise, belonging to citizens of the United States, exported by such citizens from the United States to Mexico; and, if so, what is the rate of such duties, and what amount has been collected; and, also, by what authority of law the same have been laid and collected," I refer the senate to my annual message of the seventh of December last, in which I informed Congress that orders had been given to our military and naval commanders in Mexico, to adopt the policy, as far as practicable, of levying military contributions upon the enemy for the support of our army.

As one of the modes adopted for levying such contributions, it was stated in that message that, "On the thirty-first of March last, I caused an order to be issued to our military and naval commanders to levy and collect a military contribution upon all vessels and merchandise which might enter any of the ports of Mexico in our military occupation, and to apply such contributions toward defraying the expenses of the war. By virtue of the right of conquest and the laws of war, the conqueror, consulting his own safety or convenience, may either exclude foreign commerce altogether from all such ports, or permit it upon such terms and conditions as he may prescribe. Before the principal ports of Mexico were blockaded by our navy, the revenue derived from import duties, under the laws of Mexico, was paid into the Mexican treasury. After these ports had fallen into our military possession, the blockade was raised and commerce with them permitted upon prescribed terms and conditions. They were opened to the trade of all nations upon the payment of duties more moderate in their amount than those which had been previously levied by Mexico: and the

revenue, which was formerly paid into the Mexican treasury, was directed to be collected by our military and naval officers, and applied to the use of our army and navy. Care was taken that the officers, soldiers, and sailors, of our army and navy, should be exempted from the operations of the order; and as the merchandise imported, upon which the order operated, must be consumed by Mexican citizens, the contributions exacted were, in effect, the seizure of the public revenues of Mexico and the application of them to our own use. In directing this measure, the object was to compel the enemy to contribute, as far as practicable, toward the expenses of the war."

A copy of the order referred to, with the documents accompanying it, has been communicated to Congress.

The order operated upon the vessels and merchandise of all nations, whether belonging to citizens of the United States or to foreigners, arriving in any of the ports in Mexico in our military occupation. The contributions levied were a tax upon Mexican citizens, who were the consumers of the merchandise imported; but, for the permit or license granted by the order, all vessels and merchandise belonging to citizens of the United States were, necessarily, excluded from all commerce with Mexico from the commencement of the war. The coasts and ports of Mexico were ordered to be placed under blockade on the day Congress declared the war to exist; and, by the laws of nations, the blockade applied to the vessels of the United States as well as to the vessels of all other nations. Had no blockade been declared, or had any of our merchant-vessels entered any of the ports of Mexico not blockaded, they would have been liable to be seized and condemned as lawful prize by the Mexican authorities. When the order was issued, it operated as a privilege to the vessels of the United States as well as to those of foreign countries to enter the ports held by our arms upon prescribed terms and conditions. It was altogether optional with citizens of the United States and foreigners to avail themselves of the privileges granted upon the terms prescribed.

Citizens of the United States and foreigners have availed themselves of these privileges.

No principle is better established than that a nation at war has the right of shifting the burden off itself and imposing it on the enemy by exacting military contributions. The mode of making such exactions must be left to the discretion of the conqueror, but it should be exercised in a manner conformable to the rules of civilized warfare.

The right to levy these contributions is essential to the successful prosecution of war in an enemy's country, and the practice of nations has been in accordance with this principle. It is as clearly necessary as the right to fight battles, and its exercise is often essential to the subsistence of the army.

Entertaining no doubt that the military right to exclude commerce altogether from the ports of the enemy in our military occupation included the minor right of admitting it under prescribed conditions, it became an important question, at the date of the order, whether there should be a discrimination between vessels and cargoes belonging to citizens of the United States and vessels and cargoes belonging to neutral nations.

Had the vessels and cargoes belonging to citizens of the United States been admitted without the payment of any duty, while a duty was levied on foreign vessels and cargoes, the object of the order would have been defeated. The whole commerce would have been conducted in American

vessels, no contributions could have been collected, and the enemy would have been furnished with goods without the exaction from him of any contribution whatever, and would have been thus benefited by our military occupation, instead of being made to feel the evils of the war. In order to levy these contributions, and to make them available for the support of the army, it became, therefore, absolutely necessary that they should be collected upon imports into Mexican ports, whether in vessels belonging to citizens of the United States or to foreigners.

It was deemed proper to extend the privilege to vessels and their cargoes belonging to neutral nations. It has been my policy, since the commencement of the war with Mexico, to act justly and liberally toward all neutral nations, and to afford to them no just cause of complaint; and we have seen the good consequences of this policy by the general satisfaction which it has given.

In answer to the inquiry contained in the resolution as to the rates of duties imposed, I refer you to the documents which accompanied my annual message of the 7th of December last, which contain the information.

From the accompanying reports of the secretary of war and the secretary of the navy, it will be seen that the contributions have been collected on all vessels and cargoes, whether American or foreign; but the returns to the department do not show, with exactness, the amounts collected on American as distinguishable from foreign vessels and merchandise.

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## SPECIAL MESSAGE.

FEBRUARY 10, 1848.

*To the House of Representatives of the United States:—*

IN answer to the resolution of the house of representatives of the 7th instant, I transmit herewith a report from the secretary of state.

No communication has been received from Mexico "containing propositions from the Mexican authorities or commissioners for a treaty of peace," except the "counter projet" presented by the Mexican commissioners to the commissioners of the United States on the 6th of September last, a copy of which, with the documents accompanying it, I communicated to the senate of the United States on the second instant. A copy of my communication to the senate embracing this "projet" is herewith communicated.

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## MEXICAN TREATY MESSAGE.

FEBRUARY 22, 1848.

*To the Senate of the United States:—*

I LAY before the senate, for their consideration and advice as to its ratification, a treaty of peace, friendship, limits, and settlement, signed at the city of Guadalupe Hidalgo, on the second day of February, 1848, by N. P. Trist, on the part of the United States, and by plenipotentiaries appointed for that purpose on the part of the Mexican government.

I deem it to be my duty to state that the recall of Mr. Trist as commissioner of the United States, of which Congress was informed in my annual message, was dictated by a belief that his continued presence with the army could be productive of no good, but might do much harm by encouraging the delusive hopes and false impressions of the Mexicans; and that his recall would satisfy Mexico that the United States had no terms of peace more favorable to offer. Directions were given that any propositions for peace, which Mexico might make, should be received and transmitted, by the commanding general of our forces, to the United States.

It was not expected that Mr. Trist would remain in Mexico, or continue in the exercise of the functions of the office of commissioner, after he received his letter of recall. He has, however, done so, and the plenipotentiaries of the government of Mexico, with a knowledge of the fact, have concluded with him this treaty. I have examined it with a full sense of the extraneous circumstances attending its conclusion and signature, which might be objected to; but, conforming as it does, substantially, on the main questions of boundary and indemnity, to the terms which our commissioner, when he left the United States in April last, was authorized to offer, and animated, as I am, by the spirit which has governed all my official conduct toward Mexico, I have felt it to be my duty to submit it to the senate for their consideration, with a view to its ratification.

To the tenth article of the treaty there are serious objections, and no instructions given to Mr. Trist contemplated or authorized its insertion. The public lands within the limits of Texas belong to that state, and this government has no power to dispose of them, or to change the conditions of grants already made. All valid titles to lands within the other territories ceded to the United States will remain unaffected by the change of sovereignty; and I therefore submit that this article should not be ratified as a part of the treaty.

There may be reason to apprehend that the ratification of the "additional and secret article" might unreasonably delay and embarrass the final action on the treaty by Mexico. I therefore submit whether that article should not be rejected by the senate.

If the treaty shall be ratified as proposed to be amended, the cessions of territory made by it to the United States as indemnity, the provision for the satisfaction of the claims of our injured citizens, and the permanent establishment of the boundary of one of the states of the Union, are objects gained of great national importance; while the magnanimous forbearance exhibited toward Mexico, it is hoped, may insure a lasting peace and good neighborhood between the two countries.

I communicate herewith a copy of the instructions given to Mr. Slidell in November, 1845, as envoy extraordinary and minister plenipotentiary to Mexico; a copy of the instructions given to Mr. Trist in April last, and such of the correspondence of the latter with the department of state, not heretofore communicated to Congress, as will enable the senate to understand the action which has been had with a view to the adjustment of our difficulties with Mexico.

## SPECIAL MESSAGE.

FEBRUARY 28, 1848.

*To the Senate of the United States :—*

IN answer to the resolution of the senate of the 24th instant, requesting to be informed whether the active operations of the army of the United States in Mexico, have been, and now are, suspended, and, if so, by whose agency, and in virtue of what authority, such armistice has been effected, I have to state, that I have received no information relating to the subject, other than that communicated to the senate with my executive message of the 22d instant.

## SPECIAL MESSAGE.

FEBRUARY 29, 1848.

*To the Senate of the United States :—*

IN compliance with the resolution of the senate, passed in "executive session" on yesterday, requesting the president "to communicate to the senate *in confidence* the entire correspondence between Mr. Trist and the Mexican commissioners, from the time of his arrival in Mexico until the time of the negotiation of the treaty submitted to the senate; and also the entire correspondence between Mr. Trist and the secretary of state, in relation to his negotiations with the Mexican commissioners; also, all the correspondence between General Scott and the government, and between General Scott and Mr. Trist, since the arrival of Mr. Trist in Mexico, which may be in possession of the government," I transmit herewith the correspondence called for. These documents are very voluminous, and presuming that the senate desired them in reference to early action on the treaty with Mexico, submitted to the consideration of that body by my message of the 22d instant, the originals of several of the letters of Mr. Trist are herewith communicated, in order to save the time which would necessarily be required to make copies of them. These original letters it is requested may be returned when the senate shall have no further use for them.

The letters of Mr. Trist to the secretary of state, and especially such of them as bear date subsequent to the receipt by him of his letter of recall as commissioner, it will be perceived, contain much matter that is impertinent, irrelevant, and highly exceptionable. Four of these letters, bearing date respectively the 29th of December, 1847, January 12, January 22, and January 25, 1848, have been received since the treaty was submitted to the senate. In the latter, it is stated that the Mexican commissioners who signed the treaty derived "their full powers bearing date on the 30th of December, 1847, from the president *ad interim* of the republic (General Anaya), constitutionally elected to that office in November by the sovereign constituent Congress" of Mexico. It is impossible that I can approve the conduct of Mr. Trist in disobeying the positive orders of his government, contained in the letter recalling him, or do otherwise than condemn much of the matter with which he has chosen to encumber his voluminous correspondence. Though all of his acts, since his recall, might have been disavowed by his government, yet Mexico can take no

such exception. The treaty which the Mexican commissioners have negotiated with him, with a full knowledge on their part that he had been recalled from his mission, is binding on Mexico.

Looking at the actual condition of Mexico, and believing that, if the present treaty be rejected, the war will probably be continued, at great expense of life and treasure, for an indefinite period; and considering that the terms, with the exceptions mentioned in my message of the 22d instant, conformed substantially, so far as relates to the main question of boundary, to those authorized by me in April last, I considered it to be my solemn duty to the country, uninfluenced by the exceptionable conduct of Mr. Trist, to submit the treaty to the senate, with a recommendation that it be ratified with the modifications suggested.

Nothing contained in the letters received from Mr. Trist since it was submitted to the senate has changed my opinion on the subject.

The resolution also calls for "all the correspondence between General Scott and the government since the arrival of Mr. Trist in Mexico." A portion of that correspondence, relating to Mr. Trist and his mission, accompanies this communication. The remainder of the "correspondence between General Scott and the government" relates mainly, if not exclusively, to military operations. A part of it was communicated to Congress with my annual message, and the whole of it will be sent to the senate if it shall be desired by that body.

As coming within the purview of the resolution, I also communicate copies of the letters of the secretary of war to Major-General Butler, in reference to Mr. Trist's remaining at the headquarters of the army in the assumed exercise of his powers of commissioner.

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### SPECIAL MESSAGE.

MARCH 7, 1848.

*To the Senate of the United States :—*

I LAY before the senate a letter of the 12th of February, 1848, from N. P. Trist, together with the authenticated map of the United Mexican States, and of the plan of the port of San Diego, referred to in the fifth article of the treaty "of peace, friendship, limits, and settlement, between the United States of America and the Mexican republic;" which treaty was transmitted to the senate with my message of the 22d ultimo.

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### SPECIAL MESSAGE.

MARCH 8, 1848.

*To the Senate of the United States :—*

IN answer to the resolution of the senate of this date, requesting the president "to inform the senate of the terms of the authority given to Mr. Trist to draw for the three millions of dollars authorized by the act of the 2d of March, 1847," I communicate herewith a report from the secretary of state, with the accompanying documents, which contain the information called for.

## SPECIAL MESSAGE.

MARCH 8, 1848.

*To the Senate of the United States :—*

IN answer to the resolution of the senate of this date, requesting the president to communicate to that body "confidentially, any additional despatches which may have been received from Mr. Trist, and especially those which are promised by him, in his letter to Mr. Buchanan of the 2d of February last, if the same have been received," I have to state that all the despatches which have been received from Mr. Trist have been heretofore communicated to the senate.

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## SPECIAL MESSAGE.

MARCH 15, 1848.

*To the House of Representatives :—*

I COMMUNICATE, herewith, a copy of the constitution of state government formed by a convention of the people of the territory of Wisconsin, in pursuance of the act of Congress of August 6, 1846, entitled "An act to enable the people of Wisconsin territory to form a constitution and state government, and for the admission of such state into the Union."

I communicate, also, the documents accompanying the constitution, which have been transmitted to me by the president of the convention.

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## SPECIAL MESSAGE.

MARCH 20, 1848.

*To the House of Representatives :—*

I TRANSMIT, herewith, reports from the secretary of state and the secretary of war, with the accompanying documents, in compliance with the resolution of the house of representatives of the 7th of February, 1848, requesting the president to communicate to that house "copies of all correspondence between the secretary of war and Major-General Scott, and between the secretary of war and Major-General Taylor, and between Major-General Scott and N. P. Trist, late commissioner of the United States to Mexico, and between the latter and secretary of state, which has not heretofore been published, and the publication of which may not be incompatible with the public interest."



## SPECIAL MESSAGE.

MARCH 24, 1848.

*To the House of Representatives of the United States:—*

I TRANSMIT herewith a report from the secretary of state, with the accompanying documents, in compliance with the resolution of the house of representatives of the 8th instant, calling for "any correspondence which may have recently taken place with the British government relative to the adoption of principles of reciprocity in the trade and shipping of the two countries."

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## SPECIAL MESSAGE.

APRIL 3, 1848.

*To the Senate and House of Representatives of the United States:—*

I COMMUNICATE to Congress, for their information, a copy of a despatch, with the accompanying documents, received at the department of state from the envoy extraordinary and minister plenipotentiary of the United States at Paris, giving official information of the overthrow of the French monarch, and the establishment in its stead of a provisional government based on republican principles.

This great event occurred suddenly, and was accomplished almost without bloodshed. The world has seldom witnessed a more interesting or sublime spectacle than the peaceful rising of the French people, resolved to secure for themselves enlarged liberty, and to assert, in the majesty of their strength, the great truth that in this enlightened age man is capable of governing himself.

The prompt recognition of the new government by the representative of the United States at the French court, meets my full and unqualified approbation, and he has been authorized in a suitable manner to make known this fact to the constituted authorities of the French republic. Called upon to act upon a sudden emergency, which could not have been anticipated by his instructions, he judged rightly of the feelings and sentiments of his government and of his countrymen, when, in advance of the diplomatic representatives of other countries, he was the first to recognise, so far as it was in his power, the free government established by the French people.

The policy of the United States has ever been that of non-intervention in the domestic affairs of other countries, leaving to each to establish the form of government of its own choice. While this wise policy will be maintained toward France, now suddenly transformed from a monarchy into a republic, all our sympathies are naturally enlisted on the side of a great people, who, imitating our example, have resolved to be free. That such sympathy should exist on the part of the people of the United States with the friends of free government in every part of the world, and especially in France, is not remarkable. We can never forget that France was our early friend in our eventful revolution, and generously aided us in shaking off a foreign yoke and becoming a free and independent people.

We have enjoyed the blessings of our system of well-regulated self-government for near three fourths of a century, and can properly appreciate its value. Our ardent and sincere congratulations are extended to the patriotic people of France, upon their noble, and thus far successful, efforts to found for their future government liberal institutions similar to our own.

It is not doubted that, under the benign influence of free institutions, the enlightened statesmen of republican France will find it to be for her true interests and permanent glory to cultivate with the United States the most liberal principles of international intercourse and commercial reciprocity, whereby the happiness and prosperity of both nations will be promoted.

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## SPECIAL MESSAGE.

APRIL 29, 1848.

*To the Senate and House of Representatives of the United States :—*

I SUBMIT for the consideration of Congress, several communications received at the department of state from Mr. Justo Sierra, commissioner of Yucatan, and also a communication from the governor of that state, representing the condition of extreme suffering to which their country has been reduced by an insurrection of the Indians within its limits, and asking the aid of the United States.

These communications present a case of human suffering and misery which can not fail to excite the sympathies of all civilized nations. From these, and other sources of information, it appears that the Indians of Yucatan are waging a war of extermination against the white race. In this civil war, they spare neither age nor sex, but put to death, indiscriminately, all who fall within their power. The inhabitants, panic-stricken, and destitute of arms, are flying before their savage pursuers toward the coast, and their expulsion from their country, or their extermination, would seem to be inevitable, unless they can obtain assistance from abroad.

In this condition, they have, through their constituted authorities, implored the aid of this government, to save them from destruction, offering, in case this should be granted, to transfer the "dominion and sovereignty of the peninsula" to the United States. Similar appeals for aid and protection have been made to the Spanish and the English governments.

While it is not my purpose to recommend the adoption of any measure with a view to the acquisition of the "dominion and sovereignty" over Yucatan; yet, according to our established policy, we could not consent to a transfer of this "dominion and sovereignty," to either Spain, Great Britain, or any other European power. In the language of President Monroe, in his message of December, 1823, "we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety." [In my annual message of December, 1845, I declared that "near a quarter of a century ago the principle was distinctly announced to the world, in the annual message of one of my predecessors, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European power." This principle will apply with greatly increased force, should any European power attempt to establish any new colony in North Amer-

ica. In the existing circumstances of the world, the present is deemed a proper occasion to reiterate and reaffirm the principle avowed by Mr. Monroe, and to state my cordial concurrence in its wisdom and sound policy. The reassertion of this principle, especially in reference to North America, is at this day but the promulgation of a policy which no European power should cherish the disposition to resist. Existing rights of every European nation should be respected; but it is due alike to our safety and our interests, that the efficient protection of our laws should be extended over our whole territorial limits, and that it should be distinctly announced to the world as our settled policy, that no future European colony or dominion shall, with our consent, be planted or established on any part of the North American continent."

Our own security requires that the established policy, thus announced, should guide our conduct, and this applies with great force to the peninsula of Yucatan. It is situate in the gulf of Mexico, on the North American continent, and, from its vicinity to Cuba, to the capes of Florida, to New Orleans, and, indeed, to our whole southwestern coast, it would be dangerous to our peace and security if it should become a colony of any European nation.

We have now authentic information that, if the aid asked from the United States be not granted, such aid will probably be obtained from some European power which may hereafter assert a claim to "dominion and sovereignty" over Yucatan.

Our existing relations with Yucatan are of a peculiar character, as will be perceived from the note of the secretary of state to their commissioner, dated on the 24th of December last, a copy of which is herewith transmitted. Yucatan has never declared her independence, and we treated her as a state of the Mexican republic. For this reason we have never officially received her commissioner; but, while this is the case, we have, to a considerable extent, recognised her as a neutral in our war with Mexico. While still considering Yucatan as a portion of Mexico, if we had troops to spare for this purpose, I would deem it proper, during the continuance of the war with Mexico, to occupy and hold military possession of her territory, and to defend the white inhabitants against the incursions of the Indians, in the same way that we have employed our troops in other states of the Mexican republic in our possession, in repelling the attacks of savages upon the inhabitants, who have maintained their neutrality in the war. But, unfortunately, we can not, at the present time, without serious danger, withdraw our forces from other portions of the Mexican territory now in our occupation, and send them to Yucatan. All that can be done, under existing circumstances, is to employ our naval forces in the gulf, not required at other points, to afford them relief; but it is not to be expected that any adequate protection can thus be afforded, as the operations of such naval forces must, of necessity, be confined to the coast.

I have considered it proper to communicate the information contained in the accompanying correspondence, and I submit to the wisdom of Congress to adopt such measures as, in their judgment, may be expedient, to prevent Yucatan from becoming a colony of any European power, which in no event, could be permitted by the United States; and, at the same time, to rescue the white race from extermination or expulsion from their country.

## SPECIAL MESSAGE.

MAY 8, 1848.

*To the Senate of the United States:—*

I COMMUNICATE, herewith, a report of the secretary of war, together with the accompanying documents, in compliance with the resolution of the senate of the 25th of April, requesting the president to cause to be sent to the senate a copy of the opinion of the attorney-general, with copies of the accompanying papers, on the claim made by the Choctaw Indians for five thousand dollars, with interest thereon from the date of the transfer, being the difference between the cost of the stock and the par value thereof transferred to them by the Chickasaws, under the convention of the 17th of January, 1837.

## SPECIAL MESSAGE.

MAY 29, 1848.

*To the Senate and House of Representatives of the United States:—*

I LAY before Congress the accompanying memorial and papers, which have been transmitted to me, by a special messenger employed for that purpose, by the governor and legislative assembly of Oregon territory, who constitute the temporary government which the inhabitants of that distant region of our country have, from the necessity of their condition, organized for themselves. The memorialists are citizens of the United States. They express ardent attachment to their native land, and in their present perilous and distressed situation they earnestly invoke the aid and protection of their government.

They represent that "the proud and powerful tribes of Indians," residing in their vicinity, have recently raised "the war-whoop, and crimsoned their tomahawks in the blood of their citizens;" that they apprehend that "many of the powerful tribes, inhabiting the upper valley of the Columbia, have formed an alliance for the purpose of carrying on hostilities against their settlements; that the number of the white population is far inferior to that of the savages; that they are deficient in arms and money, and fear that they do not possess strength to repel the "attack of so formidable a foe and protect their families and property from violence and rapine;" they conclude their appeal to the government of the United States for relief by declaring: "If it be at all the intention of our honored parent to spread her guardian wing over her sons and daughters in Oregon, she surely will not refuse to do it now, when they are struggling with all the ills of a weak and temporary government, and when perils are daily thickening around them, and preparing to burst upon their heads. When the ensuing summer's sun shall have dispelled the snow from the mountains, we shall look, with glowing hope and restless anxiety, for the coming of your laws and your arms."

In my message of the 5th of August, 1846, communicating "a copy of the convention for the settlement and adjustment of the Oregon boundary," I recommended to Congress that "provision should be made by law, at the

earliest practicable period, for the organization of a territorial government in Oregon." In my annual message of December, 1846, and again in December, 1847, this recommendation was repeated.

The population of Oregon is believed to exceed twelve thousand souls, and it is known that it will be increased by a large number of emigrants during the present season. The facts set forth in the accompanying memorial and papers show that the dangers to which our fellow-citizens are exposed are so imminent, that I deem it to be my duty again to impress on Congress the strong claim which the inhabitants of that distant country have to the benefit of our laws, and to the protection of our government.

I, therefore, again invite the attention of Congress to the subject, and recommend that laws be promptly passed establishing a territorial government, and granting authority to raise an adequate volunteer force, for the defence and protection of its inhabitants. It is believed that a regiment of mounted men, with such additional force as may be raised in Oregon, will be sufficient to afford the required protection. It is recommended that the forces raised for this purpose should engage to serve for twelve months, unless sooner discharged. No doubt is entertained that, with proper inducements in land bounties, such a force can be raised in a short time. Upon the expiration of their service, many of them will doubtless desire to remain in the country and settle upon the land which they may receive as bounty. It is deemed important that provision be made for the appointment of a suitable number of Indian agents, to reside among the various tribes in Oregon, and that appropriations be made to enable them to treat with these tribes, with a view to restore and preserve peace between them and the white inhabitants.

Should the laws recommended be promptly passed, the measures for their execution may be completed during the present season, and before the severity of winter will interpose obstacles in crossing the Rocky mountains. If not promptly passed a delay of another year will be the consequence, and may prove destructive to the white settlements in Oregon.

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### SPECIAL MESSAGE.

JULY 6, 1848.

*To the Senate and House of Representatives of the United States:—*

I LAY before Congress copies of a treaty of peace, friendship, limits, and settlement, between the United States and the Mexican republic, the ratifications of which were duly exchanged at the city of Queretaro, in Mexico, on the 30th day of May, 1848.

The war in which our country was reluctantly involved, in the necessary vindication of the national rights and honor, has been thus terminated, and I congratulate Congress, and our common constituents, upon the restoration of an honorable peace.

The extensive and valuable territories ceded by Mexico to the United States constitute indemnity for the past, and the brilliant achievements and signal success of our arms will be a guaranty of security for the future, by convincing all nations that our rights must be respected. The results of the war with Mexico have given to the United States a national char-

acter abroad which our country never before enjoyed. Our power and our resources have become known, and are respected throughout the world, and we shall probably be saved from the necessity of engaging in another foreign war for a long series of years. It is a subject of congratulation that we have passed through a war of more than two years' duration, with the business of the country uninterrupted, with our resources unexhausted, and the public credit unimpaired.

I communicate for the information of Congress the accompanying documents and correspondence relating to the negotiation and ratification of the treaty.

Before the treaty can be fully executed on the part of the United States, legislation will be required.

It will be proper to make the necessary appropriations for the payment of the twelve millions of dollars, stipulated by the twelfth article, to be paid to Mexico in four equal annual instalments. Three millions of dollars were appropriated by the act of March 3, 1847, and that sum was paid to the Mexican government after the exchange of the ratifications of the treaty.

The fifth article of the treaty provides that, "in order to designate the boundary line with due precision upon authoritative maps, and to establish, upon the ground, landmarks which shall show the limits of both republics, as described in the present article, the two governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte."

It will be necessary that provision should be made by law for the appointment of a commissioner and surveyor, on the part of the United States, to act in conjunction with a commissioner and surveyor appointed by Mexico, in executing the stipulations of this article.

It will be proper, also, to provide by law for the appointment of a "board of commissioners" to adjudicate and decide upon all claims of our citizens against the Mexican government, which by the treaty have been assumed by the United States.

New Mexico and Upper California have been ceded by Mexico to the United States, and now constitute a part of our country. Embracing nearly ten degrees of latitude, lying adjacent to the Oregon territory, and extending from the Pacific ocean to the Rio Grande, a mean distance of nearly a thousand miles, it would be difficult to estimate the value of these possessions to the United States. They constitute of themselves a country large enough for a great empire, and their acquisition is second only in importance to that of Louisiana in 1803. Rich in mineral and agricultural resources, with a climate of great salubrity, they embrace the most important ports on the whole Pacific coast of the continent of North America. The possession of the ports of San Diego and Monterey, and the bay of San Francisco, will enable the United States to command the already valuable and rapidly-increasing commerce of the Pacific. The number of our whale-ships alone now employed in that sea exceeds seven hundred, requiring more than twenty thousand seamen to navigate them, while the capital invested in this particular branch of commerce is estimated at not less than forty millions of dollars. The excellent harbors of Upper California will, under our flag, afford security and repose to our commercial marine, and American mechanics will soon furnish ready

means of ship-building and repair, which are now so much wanted in that distant sea.

By the acquisition of these possessions, we are brought into immediate proximity with the west coast of America, from Cape Horn to the Russian possessions north of Oregon, with the islands of the Pacific ocean, and by a direct voyage in steamers we will be in less than thirty days of Canton and other ports of China.

In this vast region, whose rich resources are soon to be developed by American energy and enterprise, great must be the augmentation of our commerce, and with it new and profitable demands for mechanic labor in all its branches, and new and valuable markets for our manufacture and agricultural products.

While the war has been conducted with great humanity and forbearance, and with complete success on our part, the peace has been concluded on terms the most liberal and magnanimous to Mexico. In her hands the territories now ceded had remained, and it is believed would have continued to remain, almost unoccupied and of little value to her or to any other nation, while, as a part of our Union, they will be productive of vast benefits to the United States, to the commercial world, and the general interests of mankind.

The immediate establishment of territorial governments, and the extension of our laws over these valuable possessions, are deemed to be not only important, but indispensable to preserve order, and the due administration of justice within their limits; to afford protection to the inhabitants, and to facilitate the development of the vast resources and wealth which their acquisition has added to our country.

The war with Mexico having terminated, the power of the executive to establish, or to continue, temporary civil governments over these territories, which existed under the laws of nations, while they were regarded as conquered provinces, in our military occupation, has ceased. By their cession to the United States, Mexico has no longer any power over them, and, until Congress shall act, the inhabitants will be without any organized government. Should they be left in this condition, confusion and anarchy will be likely to prevail.

Foreign commerce, to a considerable amount, is now carried on in the ports of Upper California, which will require to be regulated by our laws. As soon as our system shall be extended over this commerce, a revenue of considerable amount will be at once collected, and it is not doubted that it will be annually increased. For these, and other obvious reasons, I deem it to be my duty, earnestly to recommend the action of Congress on the subject at the present session.

In organizing governments over these territories, fraught with such vast advantages to every portion of our Union, I invoke that spirit of concession, conciliation, and compromise, in your deliberations, in which the constitution was framed, in which it should be administered, and which is so indispensable to preserve and perpetuate the harmony and union of the states. We should never forget that this union of confederated states was established and cemented by kindred blood, and by the common toils, sufferings, dangers, and triumphs, of all its parts, and has been the ever-augmenting source of our national greatness and of all our blessings.

There has, perhaps, been no period, since the warning so impressively given to his countrymen by Washington, to guard against geographical divisions and sectional parties, which appeals with greater force than the

present, to the patriotic, sober-minded, and reflecting of all parties, and of all sections of our country. Who can calculate the value of our glorious Union? It is a model and example of free government to all the world, and is the star of hope and haven of rest to the oppressed of every clime. By its preservation we have been rapidly advanced, as a nation, to a height of strength, power, and happiness, without a parallel in the history of the world. As we extend its blessings over new regions, shall we be so unwise as to endanger its existence by geographical divisions and dissensions?

With a view to encourage the early settlement of these distant possessions, I recommend that liberal grants of the public lands be secured to all our citizens who have settled, or may in a limited period settle, within their limits.

In execution of the provisions of the treaty, orders have been issued to our military and naval forces to evacuate without delay the Mexican provinces, cities, towns, and fortified places, in our military occupation, and which are not embraced in the territories ceded to the United States. The army is already on its way to the United States. That portion of it, as well regulars as volunteers, who engaged to serve during the war with Mexico, will be discharged as soon as they can be transported or marched to convenient points in the vicinity of their homes. A part of the regular army will be employed in New Mexico and Upper California, to afford protection to the inhabitants and to guard our interests in these territories.

The old army, as it existed before the commencement of the war with Mexico, especially if authority be given to fill up the rank and file of the several corps to the maximum number authorized during the war, it is believed will be a sufficient force to be retained in service during a period of peace. A few additional officers, in the line and staff of the army, have been authorized, and these, it is believed, will be necessary in the peace establishment, and should be retained in the service. The number of the general officers may be reduced, as vacancies occur by the casualties of the service, to what it was before the war.

While the people of other countries, who live under forms of government less free than our own, have been for ages oppressed by taxation, to support large standing armies in periods of peace, our experience has shown that such establishments are unnecessary in a republic. Our standing army is to be found in the bosom of society. It is composed of free citizens, who are ever ready to take up arms in the service of their country when an emergency requires it. Our experience in the war just closed fully confirms the opinion that such an army may be raised upon a few weeks' notice, and that our citizen-soldiers are equal to any troops in the world. No reason, therefore, is perceived why we should enlarge our land forces and thereby subject the treasury to an annual increased charge. Sound policy requires that we should avoid the creation of a large standing army in a period of peace. No public exigency requires it. Such armies are not only expensive and unnecessary, but may become dangerous to liberty.

Besides making the necessary legislative provisions for the execution of the treaty, and the establishment of territorial governments in the ceded country, we have, upon the restoration of peace, other important duties to perform. Among these I regard none as more important than the adoption of proper measures for the speedy extinguishment of the national debt. It is against sound policy and the genius of our institutions, that a public debt



should be permitted to exist a day longer than the means of the treasury will enable the government to pay it off. We should adhere to the wise policy laid down by President Washington, of "avoiding the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace, to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burden we ourselves ought to bear."

At the commencement of the present administration, the public debt amounted to seventeen millions, seven hundred and eighty-eight thousand, seven hundred and ninety-nine dollars, and sixty-two cents. In consequence of the war with Mexico, it has been necessarily increased, and now amounts to sixty-five millions, seven hundred and seventy-eight thousand, four hundred and fifty dollars, and forty-one cents, including the stock and treasury-notes which may yet be issued under the act of January, 28, 1847, and the sixteen-million loan recently negotiated, under the act of March 31, 1848.

In addition to the amount of the debt, the treaty stipulates that twelve millions of dollars shall be paid to Mexico, in four equal annual instalments of three millions each, the first of which will fall due on the 30th day of May, 1849. The treaty also stipulates that the United States shall "assume and pay" to our own citizens "the claims already liquidated and decided against the Mexican republic," and "all claims not heretofore decided against the Mexican government," "to an amount not exceeding three and a quarter millions of dollars." The "liquidated" claims of citizens of the United States against Mexico, as decided by the joint board of commissioners under the convention between the United States and Mexico, of the 11th of April, 1839, amounted to two millions and twenty-six thousand, one hundred and thirty-nine dollars, and sixty-eight cents. This sum was payable in twenty equal annual instalments. Three of them have been paid to the claimants by the Mexican government, and two by the United States—leaving to be paid of the principal of the liquidated amount assumed by the United States, the sum of one million, five hundred and nineteen thousand, six hundred and four dollars, and seventy-six cents, together with the interest thereon. These several amounts of "liquidated" and unliquidated claims assumed by the United States, it is believed, may be paid as they fall due, out of the accruing revenue, without the issue of stock or the creation of any additional public debt.

I can not too strongly recommend to Congress the importance of husbanding all our national resources, of limiting the public expenditures to necessary objects, and of applying all the surplus at any time in the treasury to the redemption of the debt. I recommend that authority be vested in the executive by law to anticipate the period of reimbursement of such portion of the debt as may not be now redeemable, and to purchase it at par, or at the premium which it may command in the market, in all cases in which that authority has not already been granted. A premium has been obtained by the government on much the larger portion of the loans; and if, when the government becomes a purchaser of its own stock, it shall command a premium in the market, it will be sound policy to pay it, rather than to pay the semi-annual interest upon it. The interest upon the debt, if the outstanding treasury-notes shall be funded, from the end of the last fiscal year until it shall fall due and be redeemable, will be very nearly equal to the principal, which must itself be ultimately paid.

Without changing or modifying the present tariff of duties, so great has

been the increase of our commerce under its benign operation, that the revenue derived from that source, and from the sales of the public lands, will, it is confidently believed, enable the government to discharge annually several millions of the debt, and at the same time possess the means of meeting necessary appropriations for all other proper objects. Unless Congress shall authorize largely-increased expenditures, for objects not of absolute necessity, the whole public debt existing before the Mexican war, and that created during its continuance, may be paid off without any increase of taxation on the people long before it fall due.

Upon the restoration of peace, we should adopt the policy suited to a state of peace. In doing this, the earliest practicable payment of the public debt should be a cardinal principle of action. Profiting by the experience of the past, we should avoid the errors into which the country was betrayed shortly after the close of the war with Great Britain in 1815. In a few years after that period, a broad and latitudinous construction of the powers of the federal government, unfortunately received but too much countenance. Though the country was burdened with a heavy public debt, large, and in some instances unnecessary and extravagant expenditures were authorized by Congress. The consequence was, that the payment of the debt was postponed for more than twenty years; and, even then, it was only accomplished by the stern will and unbending policy of President Jackson, who made its payment a leading measure of his administration. He resisted the attempts which were made to divert the public money from that great object, and apply it in wasteful and extravagant expenditures for other objects; some of them of more than doubtful constitutional authority and expediency.

If the government of the United States shall observe a proper economy in its expenditures, and be confined in its action to the conduct of our foreign relations, and to the few general objects of its care enumerated in the constitution, leaving all municipal and local legislation to the states, our greatness as a nation, in moral and physical power, and in wealth and resources, can not be calculated.

By pursuing this policy, oppressive measures operating unequally and unjustly upon sections and classes, will be avoided, and the people, having no cause of complaint, will pursue their own interests, under the blessings of equal laws and the protection of a just and paternal government. By abstaining from the exercise of all powers not clearly conferred, the current our glorious Union, now numbering thirty states, will be strengthened as we grow in age, and increase in population, and our future destiny will be without a parallel or example in the history of nations

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## SPECIAL MESSAGE.

JULY 12, 1848.

*To the Senate of the United States :—*

IN compliance with a resolution of the senate of the 21st of June, 1848, I herewith communicate to the senate a report of the secretary of war, with the accompanying documents, containing the proceedings of a court of inquiry, which convened at Saltillo, Mexico, January 12, 1848, and which

was instituted for the purpose of obtaining full information relative to an alleged mutiny in the camp of Buena Vista, Mexico, on or about the 15th August, 1847.

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## SPECIAL MESSAGE.

JULY 24, 1848.

*To the House of Representatives of the United States :—*

IN answer to the resolutions of the house of representatives of the 10th instant, requesting information in relation to New Mexico and California, I communicate herewith reports from the secretary of state, the secretary of the treasury, the secretary of war, and the secretary of the navy, with the documents which accompany the same. These reports and documents contain information upon the several points of inquiry embraced by the resolutions. "The proper limits and boundaries of New Mexico and California" are delineated on the map referred to in the late treaty with Mexico, an authentic copy of which is herewith transmitted, and all the additional information upon that subject; and also the most reliable information in respect to the population of these respective provinces, which is in the possession of the executive, will be found in the accompanying report of the secretary of state.

The resolutions request information in regard to the existence of civil governments in New Mexico and California; their "form and character;" by "whom instituted;" by "what authority;" and how they are "maintained and supported."

In my message of December 22, 1846, in answer to a resolution of the house of representatives calling for information "in relation to the establishment or organization of civil government in any portion of the territory of Mexico which has or might be taken possession of by the army or navy of the United States," I communicated the orders which had been given to the officers of our army and navy, and stated the general authority upon which temporary military governments had been established over the conquered portion of Mexico then in our military occupation.

The temporary governments authorized were instituted by virtue of the rights of war. The power to declare war against a foreign country, and to prosecute it according to the general laws of war, as sanctioned by civilized nations, it will not be questioned, exists under our constitution. When Congress has declared that war exists with a foreign nation, "the general laws of war apply to our situation;" and it becomes the duty of the president, as the constitutional "commander-in-chief of the army and navy of the United States," to prosecute it.

In prosecuting a foreign war thus duly declared by Congress, we have the right, by "conquest and military occupation," to acquire possession of the territories of the enemy, and, during the war, to "exercise the fullest rights of sovereignty over it." The sovereignty of the enemy is in such case "suspended," and his laws can "no longer be rightfully enforced" over the conquered territory, "or be obligatory upon the inhabitants who remain and submit to the conqueror. By the surrender the inhabitants pass under a temporary allegiance" to the conqueror, and are "bound by such laws, and such only, as" he may choose to recognise and impose.

"From the nature of the case, no other laws could be obligatory upon them; for where there is no protection, or allegiance, or sovereignty, there can be no claim to obedience." These are well-established principles of the laws of war, as recognised and practised by civilized nations; and they have been sanctioned by the highest judicial tribunal of our own country.

The orders and instructions issued to the officers of our army and navy, applicable to such portions of the Mexican territory as had been or might be conquered by our arms, were in strict conformity to these principles. They were, indeed, ameliorations of the rigors of war, upon which we might have insisted. They substituted for the harshness of military rule something of the mildness of civil government, and were not only the exercise of no excess of power, but were a relaxation in favor of the peaceable inhabitants of the conquered territory who had submitted to our authority, and were alike politic and humane.

It is from the same source of authority that we derive the unquestioned right, after the war has been declared by Congress, to blockade the ports and coasts of the enemy, to capture his towns, cities, and provinces, and to levy contributions upon him for the support of our army. Of the same character with these is the right to subject to our temporary military government the conquered territories of our enemy. They are all belligerent rights, and their exercise is as essential to the successful prosecution of a foreign war as the right to fight battles.

New Mexico and Upper California were among the territories conquered and occupied by our forces, and such temporary governments were established over them. They were established by the officers of our army and navy, in command, in pursuance of the orders and instructions accompanying my message to the house of representatives of December 22, 1846. In their form and detail, as at first established, they exceeded, in some respects, as was stated in that message, the authority which had been given; and instructions for the correction of the error were issued in despatches from the war and navy departments of the 11th of January, 1847, copies of which are herewith transmitted. They have been maintained and supported out of the military exactions and contributions levied upon the enemy, and no part of the expense has been paid out of the treasury of the United States.

In the routine of duty some of the officers of the army and navy who first established temporary governments in California and New Mexico have been succeeded in command by other officers, upon whom like duties devolved; and the agents employed or designated by them to conduct the temporary governments have also, in some instances, been superseded by others. Such appointments for temporary civil duty, during our military occupation, were made by the officers in command in the conquered territories, respectively.

On the conclusion and exchange of ratifications of a treaty of peace with Mexico, which was proclaimed on the 4th instant, these temporary governments necessarily ceased to exist. In the instructions to establish a temporary government over New Mexico no distinction was made between that and the other provinces of Mexico which might be conquered and held in our military occupation.

The province of New Mexico, according to its ancient boundaries as claimed by Mexico, lies on both sides of the Rio Grande. That part of it on the east of that river was in dispute when the war between the Uni-

ted States and Mexico commenced. Texas, by a successful revolution in April, 1836, achieved, and subsequently maintained, her independence. By an act of the congress of Texas, passed in December, 1836, her western boundary was declared to be the Rio Grande, from its mouth to its source, and thence due north to the forty-second degree of north latitude. Though the republic of Texas, by many acts of sovereignty which she asserted and exercised, some of which were stated in my annual message of December, 1846, had established her clear title to the country west of the Nueces, and bordering upon that part of the Rio Grande which lies below the province of New Mexico, she had never conquered and reduced to actual possession, and brought under her government and laws, that part of New Mexico lying east of the Rio Grande, which she claimed to be within her limits. On the breaking out of the war we found Mexico in possession of this disputed territory. As our army approached Santa Fé (the capital of New Mexico) it was found to be held by a governor under Mexican authority, with an armed force collected to resist our advance. The inhabitants were Mexicans, acknowledging allegiance to Mexico. The boundary in dispute was the line between the two countries engaged in actual war, and the settlement of it of necessity depended on a treaty of peace. Finding the Mexican authorities and people in possession, our forces conquered them, and extended military rule over them and the territory which they actually occupied, in lieu of the sovereignty which was displaced. It was not possible to disturb or change the practical boundary line, in the midst of the war, when no negotiation for its adjustment could be opened, and when Texas was not present, by her constituted authorities, to establish and maintain government over a hostile Mexican population who acknowledged no allegiance to her. There was therefore no alternative left, but to establish and maintain military rule during the war, over the conquered people in the disputed territory who had submitted to our arms, or to forbear the exercise of our belligerent rights, and leave them in a state of anarchy and without control.

Whether the country in dispute rightfully belonged to Mexico or to Texas, it was our right in the first case, and our duty as well as our right in the latter, to conquer and hold it. While this territory was in our possession as conquerors, with a population hostile to the United States, which more than once broke out in open insurrection, it was our unquestionable duty to continue our military occupation of it until the conclusion of the war, and to establish over it a military government, necessary for our own security, as well as for the protection of the conquered people.

By the joint resolution of Congress of March 1, 1845, "for annexing Texas to the United States," the "adjustment of all questions of boundary which may arise with other governments" was reserved to this government. When the conquest of New Mexico was consummated by our arms, the question of boundary remained still unadjusted. Until the exchange of the ratifications of the late treaty, New Mexico never became an undisputed portion of the United States, and it would therefore have been premature to deliver over to Texas that portion of it, on the east side of the Rio Grande, to which she asserted a claim. However just the right of Texas may have been to it, that right had never been reduced into her possession, and it was contested by Mexico.

By the cession of the whole of New Mexico, on both sides of the Rio Grande, to the United States, the question of disputed boundary so far as Mexico is concerned, has been settled; leaving the question as to the true

limits of Texas, in New Mexico, to be adjusted between that state and the United States.

Under the circumstances existing during the pendency of the war, and while the whole of New Mexico, as claimed by our enemy, was in our military occupation, I was not unmindful of the rights of Texas to that portion of it which she claimed to be within her limits. In answer to a letter from the governor of Texas dated on the 4th of January, 1847, the secretary of state, by my direction, informed him, in a letter of the 12th of February, 1847, that in the president's annual message of December, 1846, "you have already perceived that New Mexico is at present in the temporary occupation of the troops of the United States, and the government over it is military in its character. It is merely such a government as must exist under the laws of nations and of war, to preserve order and protect the rights of the inhabitants, and will cease the conclusion of a treaty of peace with Mexico. Nothing, therefore, can be more certain than that this temporary government, resulting from necessity, can never injuriously affect the right which the president believes to be justly asserted by Texas to the whole territory on this side of the Rio Grande whenever the Mexican claim to it shall have been extinguished by treaty. But this is a subject which more properly belongs to the legislative, than the executive branch of the government."

The result of the whole is, that Texas had asserted a right to that part of New Mexico east of the Rio Grande which is believed, under the acts of Congress for the annexation and admission of Texas into the Union as a state, and under the constitution and laws of Texas, to be well founded; but this right had never been reduced to her actual possession and occupancy. The general government, possessing exclusively the war-making power, had the right to take military possession of this disputed territory, and until the title to it was perfected by a treaty of peace, it was their duty to hold it, and to establish a temporary military government over it, for the preservation of the conquest itself, the safety of our army, and the security of the conquered inhabitants.

The resolutions further request information, whether any persons have been tried and condemned for "treason against the United States in that part of New Mexico lying east of the Rio Grande since the same has been in the occupancy of our army," and if so, before "what tribunal," and "by what authority of law such tribunal was established." It appears that after the territory in question was "in the occupancy of our army," some of the conquered Mexican inhabitants, who had at first submitted to our authority, broke out in open insurrection, murdering our soldiers and citizens, and committing other atrocious crimes. Some of the principal offenders who were apprehended were tried, and condemned by a tribunal invested with civil and criminal jurisdiction, which had been established in the conquered country by the military officer in command. That the offenders deserved the punishment inflicted upon them, there is no reason to doubt; and the error in the proceedings against them consisted in designating and describing their crimes as "treason against the United States." This error was pointed out, and its recurrence thereby prevented, by the secretary of war in a despatch to the officer in command in New Mexico, dated on the 26th of June, 1847, a copy of which together with copies of all communications relating to the subject, which have been received at the war department, are herewith transmitted.

The resolutions call for information in relation to the quantity of the

public lands acquired within the ceded territory, and "how much of the same is within the boundaries of Texas, as defined by the act of Congress of the republic of Texas of the 19th day of December, 1856." No means of making an accurate estimate on the subject is in the possession of the executive department. The information which is possessed will be found in the accompanying report of the secretary of the treasury.

The country ceded to the United States lying west of the Rio Grande, and to which Texas has no title, is estimated by the commissioner of the general land-office to contain five hundred and twenty-six thousand and seventy-eight square miles, or three hundred and thirty-six millions, six hundred and eighty-nine thousand, nine hundred and twenty acres.

The period since the exchange of ratifications of the treaty has been too short to enable the government to have access to or to procure abstracts or copies of the land titles issued by Spain or by the republic of Mexico. Steps will be taken to procure this information at the earliest practicable period. It is estimated, as appears from the accompanying report of the secretary of the treasury, that much the larger portion of the land within the territories ceded remains vacant and unappropriated, and will be subject to be disposed of by the United States. Indeed, a very inconsiderable portion of the land embraced in the cession, it is believed, has been disposed of or granted either by Spain or Mexico.

What amount of money the United States may be able to realize from the sales of these vacant lands must be uncertain; but it is confidently believed that, with prudent management, after making liberal grants to emigrants and settlers, it will exceed the cost of the war, and all the expenses to which we have been subjected in acquiring it.

The resolutions also call for "the evidence, or any part thereof, that the 'extensive and valuable territories ceded by Mexico to the United States constitute indemnity for the past.'"

The immense value of the ceded country does not consist alone in the amount of money for which the public lands may be sold. If not a dollar could be realized from the sale of these lands, the cession of the jurisdiction over the country, and the fact that it has become a part of our Union, and can not be made subject to any European power, constitutes ample "indemnity for the past" in the immense value and advantages which its acquisition must give to the commercial, navigating, manufacturing, and agricultural interests of our country.

The value of the public lands embraced within the limits of the ceded territory, great as that value may be, is far less important to the people of the United States than the sovereignty over the country. Most of our states contain no public lands owned by the United States, and yet the sovereignty and jurisdiction over them is of incalculable importance to the nation. In the state of New York the United States is the owner of no public lands, and yet two thirds of our whole revenue is collected at the great port of that state, and within her limits is found about one seventh of our entire population. Although none of the future cities on our coast of California may ever rival the city of New York in wealth, population, and business, yet, that important cities will grow up on the magnificent harbors of that coast, with a rapidly-increasing commerce and population, and yielding a large revenue, would seem to be certain. By the possession of the safe and capacious harbors on the Californian coast, we shall have great advantages in securing the rich commerce of the east, and shall thus obtain for our products new and increased markets, and greatly en-

large ocean coasting and foreign trade, as well as augment our tonnage and revenue.

These great advantages, far more than the simple value of the public lands in the ceded territory, "constitute our indemnity for the past."

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### SPECIAL MESSAGE.

JULY 29, 1848.

*To the House of Representatives of the United States :—*

IN answer to the resolution of the house of representatives of the 17th instant, requesting the president "to communicate (if not inconsistent with the public interests) copies of all instructions given to the Hon. Ambrose H. Sevier and Nathan Clifford, commissioners appointed to conduct negotiations for the ratification of the treaty lately concluded between the United States and the republic of Mexico," I have to state that, in my opinion, it would be "inconsistent with the public interests" to give publicity to these instructions at the present time.

I avail myself of this occasion to observe that, as a general rule, applicable to all our important negotiations with foreign powers, it could not fail to be prejudicial to the public interest to publish the instructions to our ministers until some time had elapsed after the conclusion of such negotiations.

In the present case the object of the mission of our commissioners to Mexico has been accomplished. The treaty, as amended by the senate of the United States, has been ratified. The ratifications have been exchanged, and the treaty has been proclaimed as the supreme law of the land. No contingency occurred which made it either necessary or proper for our commissioners to enter into any negotiations with the Mexican government, further than to urge upon that government the ratification of the treaty in its amended form.

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### SPECIAL MESSAGE

AUGUST 1, 1848.

*To the House of Representatives of the United States :—*

I COMMUNICATE herewith a report from the secretary of war, containing the information called for by the resolution of the house of representatives of the 17th of July, 1848, in relation to the number of Indians in Oregon, California, and New Mexico; the number of military posts; the number of troops which will be required in each; and "the whole military force which should constitute the peace establishment."

I have seen no reason to change the opinion expressed in my message to Congress of the 6th of July, 1848, transmitting the treaty of peace with Mexico, that "the old army, as it existed before the commencement of the war with Mexico, especially if authority be given to fill up the rank and



file of the several corps to the maximum number authorized during the war, will be a sufficient force to be retained in service during a period of peace."

The old army consists of fifteen regiments. By the act of the 13th of May, 1846, the president was authorized, by "voluntary enlistments, to increase the number of privates in each or any of the companies of the existing regiments of dragoons, artillery, and infantry, to any number not exceeding one hundred," and to "reduce the same to sixty-four when the exigencies requiring the present increase shall cease." Should this act remain in force, the maximum number of the rank and file of the army, authorized by it, would be over sixteen thousand men, exclusive of officers. Should the authority conferred by this act be continued, it would depend on the exigencies of the service whether the number of the rank and file should be increased, and if so, to what amount beyond the minimum number of sixty-four privates to a company.

Allowing sixty-four privates to a company, the army would be over ten thousand men, exclusive of commissioned and non-commissioned officers, a number which it is believed will be sufficient; but, as a precautionary measure, it is deemed expedient that the executive should possess the power of increasing the strength of the respective corps, should the exigencies of the service be such as to require it. Should these exigencies not call for such increase, the discretionary power given by the act to the president will not be exercised.

It will be seen from the report of the secretary of war, that a portion of the forces will be employed in Oregon, New Mexico, and Upper California; a portion for the protection of the Texas frontier adjoining the Mexican possessions, and bordering on the territory occupied by the Indian tribes within her limits. After detailing the force necessary for these objects, it is believed a sufficient number of troops will remain to afford security and protection to our Indian frontiers in the west and northwest, and to occupy, with sufficient garrisons, the posts on our northern and Atlantic borders.

I have no reason at present to believe that any increase of the number of regiments or corps will be required during a period of peace.

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## SPECIAL MESSAGE.

AUGUST 3, 1848.

*To the Senate of the United States:—*

I COMMUNICATE, herewith, a report from the secretary of war, together with the accompanying documents, in compliance with the resolution of the senate of the 24th of July, 1848, requesting the president "to transmit to the senate the proceedings of the two courts of inquiry in the case of Major-General Pillow; the one commenced and terminated in Mexico, and the other commenced in Mexico, and terminated in the United States."

## SPECIAL MESSAGE.

AUGUST 5, 1848.

*To the House of Representatives of the United States :—*

I COMMUNICATE herewith a report from the secretary of war, together with the accompanying documents, in compliance with a resolution of the house of representatives of 17th of July, 1848, requesting the president to communicate to the house of representatives "a copy of the proceedings of the court of inquiry in Mexico, touching the matter which led to the dismissal from the public service of Lieutenants Joseph S. Pendée and George E. B. Singletary, of the North Carolina regiment of volunteers, and all the correspondence between the war department and Generals Taylor and Wool in relation to the same."

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## SPECIAL MESSAGE.

AUGUST 8, 1848.

*To the Senate of the United States :—*

IN reply to the resolution of the senate of the 7th instant, requesting the president to inform that body "whether he has any information that any citizen or citizens of the United States is or are now preparing or intending to prepare, within the United States, an expedition to revolutionize by force any part of the republic of Mexico, or to assist in so doing; and if he has, what is the extent of such preparation, and whether he has, or is about to take any steps to arrest the same:" I have to state that the executive is not in possession of any information of the character called for by the resolution.

The late treaty of peace with Mexico has been and will be faithfully observed on our part.

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## SPECIAL MESSAGE.

AUGUST 8, 1848.

*To the Senate and House of Representatives of the United States :—*

IT affords me satisfaction to communicate herewith, for the information of Congress, copies of a decree adopted by the National Assembly of France, in response to the resolution of the Congress of the United States passed on the 13th of April last, "tendering the congratulations of the American to the French people upon the success of their recent efforts to consolidate the principles of liberty in a republican form of government"

## SPECIAL MESSAGE.

AUGUST 10, 1848.

*To the Senate of the United States :—*

I COMMUNICATE, herewith, a report from the secretary of the navy, together with the accompanying documents, in answer to a resolution of the senate of the 18th of July, 1848, requesting the president to communicate to that body any information which may be in the possession of the executive relating to the seizure or capture of the American ship *Admittance*, on the coast of California, by a vessel-of-war of the United States; and whether any, and what proceedings have occurred in regard to said vessel or her cargo; and to furnish the senate with copies of all documents, papers, and communications, in the possession of the executive relating to the same.

## SPECIAL MESSAGE.

AUGUST 11, 1848.

*To the House of Representatives of the United States :—*

I COMMUNICATE, herewith, reports from the secretary of the treasury and the secretary of war, together with the accompanying documents, in answer to a resolution of the house of representatives of the 17th of July, 1848, requesting the president to inform that body what amount of public moneys had been respectively paid to Lewis Cass and Zachary Taylor from the time of their first entrance into the public services up to this time, distinguishing between regular and extra compensation; that he also state what amount of extra compensation has been claimed by either; the items composing the same; when filed; when and by whom allowed; if disallowed, when and by whom; the reasons for such disallowance; and whether or not any items so disallowed were subsequently presented for payment; and if allowed, when and by whom.

## SPECIAL MESSAGE.

AUGUST 7, 1848.\*

*To the Senate of the United States :—*

I TRANSMIT, herewith, for the consideration and constitutional action of the senate, articles of a treaty which has been concluded by commissioners appointed for that purpose, with the different parties into which the Cherokee tribe of Indians has been divided, through their delegates now in Washington. The same commissioners had previously been appointed to investigate the subject of the difficulties which have, for years, existed among the Cherokees, and which have kept them in a state of constant excitement, and almost entirely interrupted all progress, on their part, in civili-

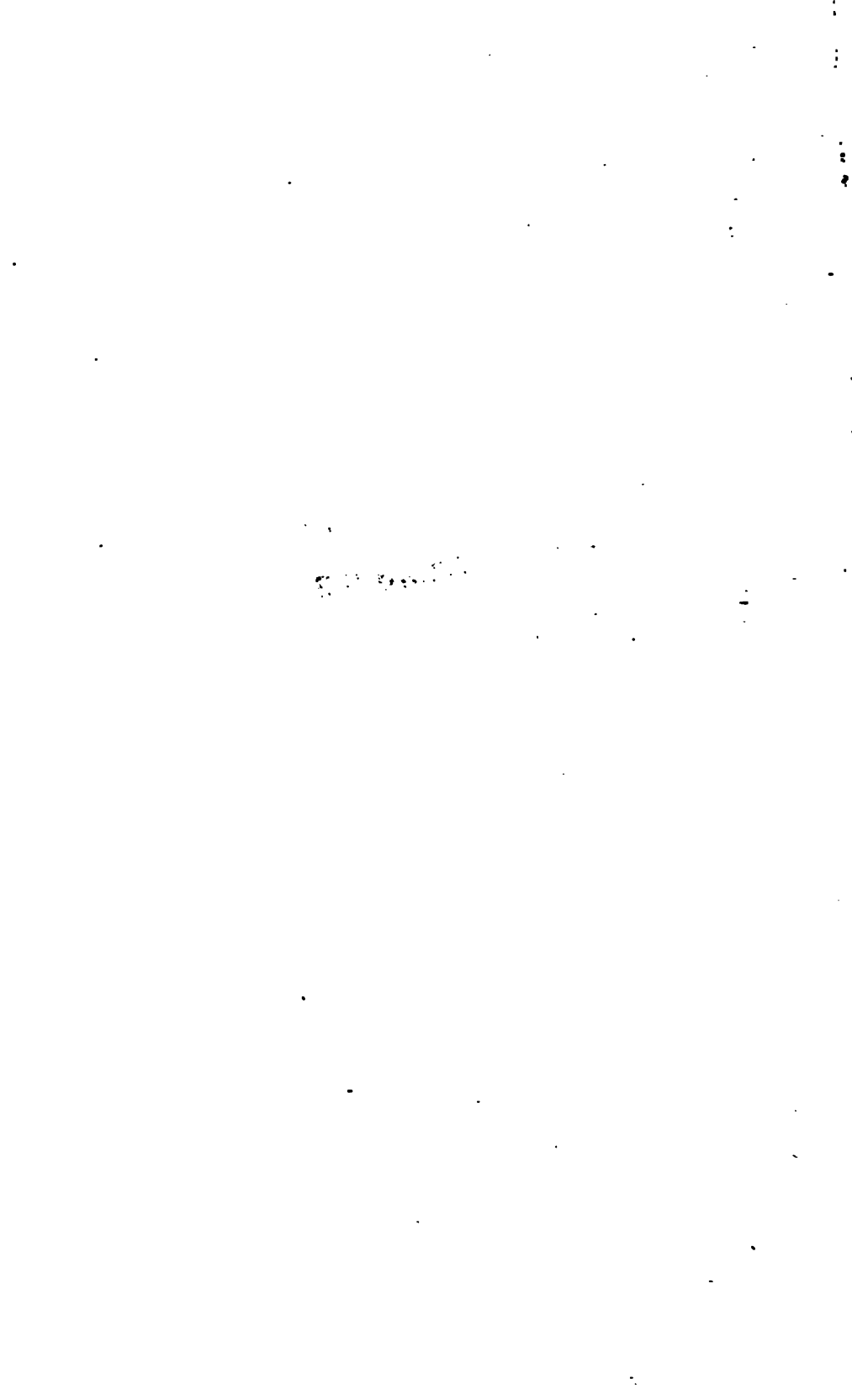
\* Injunction of secrecy removed by the senate, July 13, 1848.

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